

# FEDERAL REGISTER

VOLUME 33 • NUMBER 46

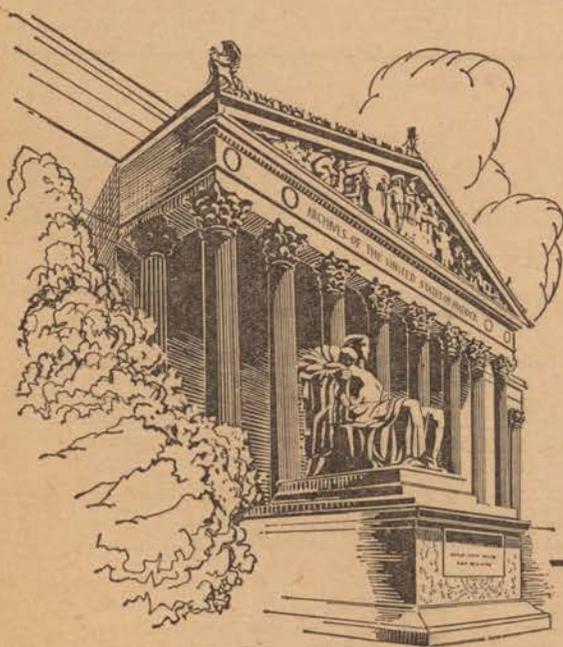
Thursday, March 7, 1968 • Washington, D.C.

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# 5-Year Compilations of Presidential Documents Supplements to Title 3 of the Code of Federal Regulations

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Order from Superintendent of Documents, U.S. Government Printing Office  
Washington, D.C. 20402

\* Temporarily out of print



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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 11399

#### ESTABLISHING THE NATIONAL COUNCIL ON INDIAN OPPORTUNITY

WHEREAS the United States has initiated a number of programs in various Departments that should be made available for the development and benefit of the Indian population; and

WHEREAS these programs should be adapted and coordinated in such manner that Indians will participate in and be benefited by them:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of Council.* There is hereby established The National Council on Indian Opportunity (hereinafter referred to as the "Council"). The Council shall have membership as follows: The Vice President of the United States who shall be the chairman of the Council, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Director of the Office of Economic Opportunity, and six Indian leaders appointed by the President of the United States for terms of two years.

SEC. 2. *Functions of the Council.* The Council shall:

(a) Encourage full use of Federal programs to benefit the Indian population, adapting them where necessary to be available to Indians on reservations in a meaningful way.

(b) Encourage interagency coordination and cooperation in carrying out Federal programs as they relate to Indians.

(c) Appraise the impact and progress of Federal programs for Indians.

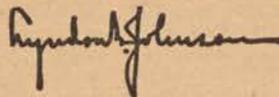
(d) Suggest ways to improve such programs.

SEC. 3. *Compensation and per diem.* Members of the Council who are officers of the Federal government shall receive no additional compensation by reason of this order. Other members of the Council shall be entitled to receive compensation and travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the government service employed intermittently (5 U.S.C., §§ 3109, 5703).

SEC. 4. *Assistance to the Council.* (a) Each Federal department and agency represented on the Council shall furnish such necessary assistance to the Council as may be authorized by section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691), or other law. The Department of the Interior shall furnish necessary administrative services for the Council.

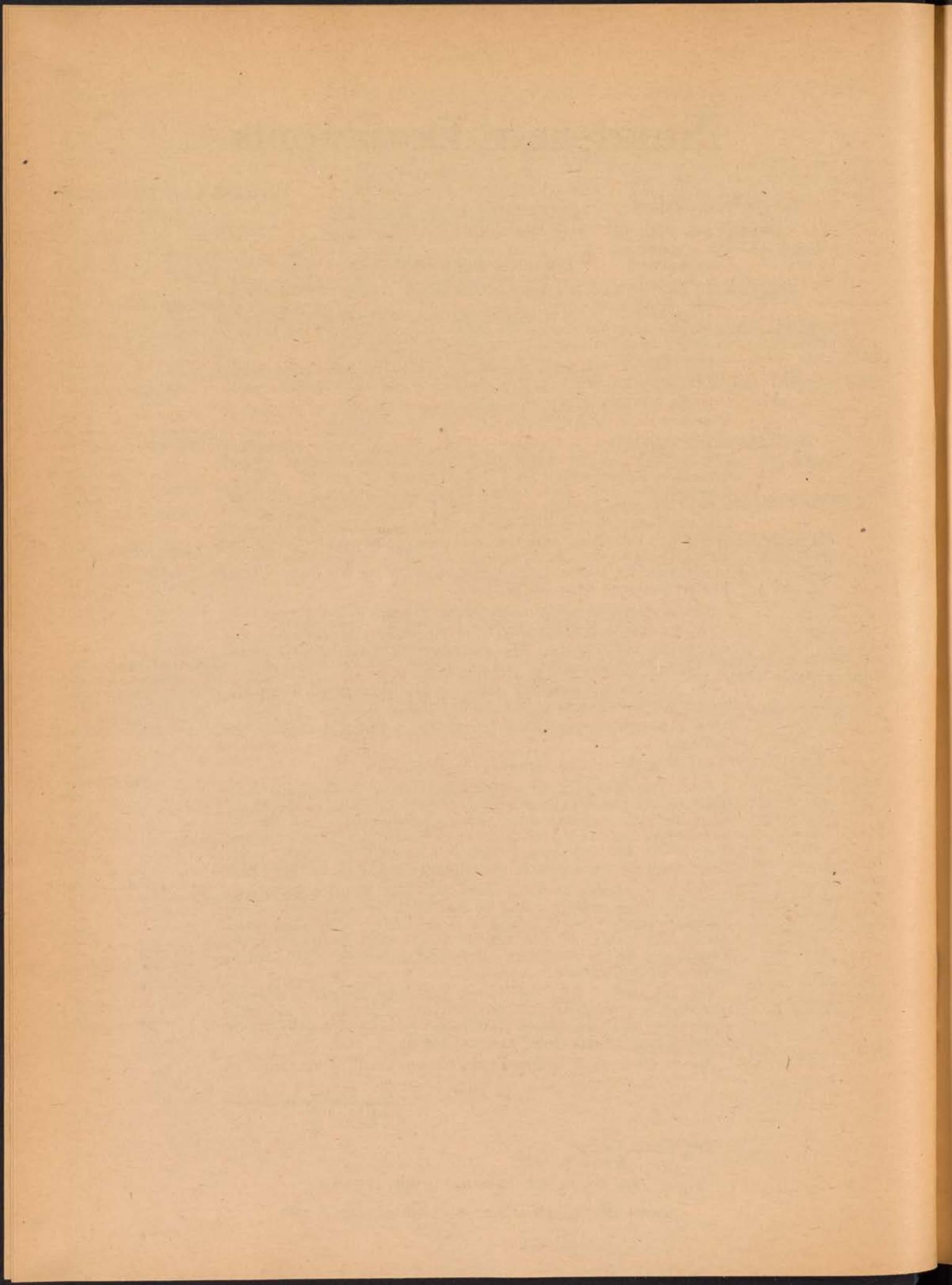
(b) The staff of the Council shall include an Executive Director, who shall be appointed by the chairman of the Council, and such other employees as may be necessary, who shall be assigned by the departments and agencies represented on the Council.

SEC. 5. *Meetings.* The Council shall meet on call of the chairman.



THE WHITE HOUSE,  
March 6, 1968.

[F.R. Doc. 68-2935; Filed, Mar. 6, 1968; 11:45 a.m.]



# Rules and Regulations

## Title 7—AGRICULTURE

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

### Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

#### PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

##### Increase in Expenses for 1967-68 Fiscal Period

On February 10, 1968, notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 2850) regarding a proposed increase in expenses for the fiscal period August 1, 1967, through July 31, 1968, pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Texas Valley Citrus Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

Paragraph (a) of § 906.207 *Expenses and rate of assessment and carryover of unexpended funds* (32 F.R. 15869) is amended to read as follows:

##### § 906.207 Expenses and rate of assessment and carryover of unexpended funds.

(a) The expenses that are reasonable and likely to be incurred by the Texas Valley Citrus Committee, during the period August 1, 1967, through July 31, 1968, will amount to \$195,000;

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the increase in the budget set forth does not involve an increase in the rate of assessment heretofore established by the Secretary (32 F.R. 15869); (2) the said committee has incurred expenses in excess of that previously thought likely to be incurred; and (3) it is essential that the specification of expenses herein provided be issued immediately so as that said committee can meet its obligations and perform its duties and functions within the fiscal period in accordance with the said amended marketing agreement and order.

Dated: March 4, 1968.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and  
Vegetable Division, Consumer  
and Marketing Service.

[F.R. Doc. 68-2815; Filed, Mar. 6, 1968;  
8:47 a.m.]

[Navel Orange Reg. 151]

#### PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

##### Limitation of Handling

##### § 907.451 Navel Orange Regulation 151.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during

the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 5, 1968.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 8, 1968, through March 14, 1968, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
  - (ii) District 2: 250,00 cartons;
  - (iii) District 3: Unlimited movement;
  - (iv) District 4: Unlimited movement.
- (2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 6, 1968.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and  
Vegetable Division, Consumer  
and Marketing Service.

[F.R. Doc. 68-2932; Filed, Mar. 6, 1968;  
11:12 a.m.]

[Valencia Orange Reg. 229]

#### PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

##### Limitation of Handling

##### § 908.529 Valencia Orange Regulation 229.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as

amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 5, 1968.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 8, 1968, through March 14, 1968, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: Unlimited movement;
- (iii) District 3: 175,000 cartons.

(2) As used in this section, "handler," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 6, 1968.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and  
Vegetable Division, Consumer  
and Marketing Service.

[F.R. Doc. 68-2933; Filed, Mar. 6, 1968;  
11:12 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

##### Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Health Division by § 97.1 of the regulations concerning overtime services relating to imports and exports, effective July 31, 1966 (9 CFR 97.1), administrative instructions (9 CFR 97.2) effective July 30, 1963, as amended May 18, 1964 (29 F.R. 6318), December 7, 1964 (29 F.R. 16316), April 12, 1965 (30 F.R. 4609), June 18, 1965 (30 F.R. 7893), June 7, 1966 (31 F.R. 8020), October 11, 1966 (31 F.R. 13114), November 1, 1966 (31 F.R. 13939), November 23, 1966 (31 F.R. 14826), February 14, 1967 (32 F.R. 2843), April 15, 1967 (32 F.R. 6021), August 26, 1967 (32 F.R. 12441), September 29, 1967 (32 F.R. 13650), and February 9, 1968 (33 F.R. 2758), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein, as follows:

#### WITHIN METROPOLITAN AREA

##### ONE HOUR

Add: Burlington International Airport  
(served from Burlington, Vt.)

##### TWO HOURS

Add: Burlington International Airport  
(served from Montpelier, Vt.)

#### OUTSIDE METROPOLITAN AREA

##### TWO HOURS

Add: Burlington International Airport  
(served from Highgate Springs, Vt.)

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal Health Division.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

These revised administrative instructions shall be effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 4th day of March 1968.

G. H. WISE,  
Acting Director, Animal Health  
Division, Agricultural Re-  
search Service.

[F.R. Doc. 68-2839; Filed, Mar. 6, 1968;  
8:49 a.m.]

## Title 12—BANKS AND BANKING

### Chapter II—Federal Reserve System

#### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. G]

#### PART 207—CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS FOR PURPOSE OF PURCHASING OR CARRYING REGISTERED EQUITY SECURITIES

##### Margin Requirements

§ 207.101 Application to credit committed before February 1, 1968, where funds are disbursed thereafter.

(a) The Board has been presented with the question whether this part applies to an extension of credit to a corporation under a contract entered into on May 31, 1967, whereby the creditor agreed to purchase notes of the corporation totaling \$150 million in three "closings" to be completed by December 2, 1968. Prior to February 1, 1968, \$132,500,000 was disbursed. The remaining \$16,500,000 was scheduled to be paid on February 21, 1968. It was assumed that the purpose of the credit was to carry stock that is registered on a national securities exchange, and that the credit may become secured by such stock.

(b) This part, which becomes effective March 11, 1968, will apply to credit extended after February 1, 1968, in the ordinary course of business, to purchase or carry registered equity securities, if the credit is secured by such securities. The above-described credit was the subject of an agreement executed prior to February 1, 1968, that bound the parties as to the amount, interest rate, term, and principal conditions of the credit, although some of the funds remained to be disbursed.

(c) The Board concluded that the funds described above, to be extended after February 1, 1968, will be extended pursuant to a firm commitment executed prior to that date. The Board was of the opinion that the date a commitment to extend credit becomes binding should be regarded as the date when the credit is extended, since (1) on that date the parties should be aware of law and facts surrounding the transaction and (2) generally, the date of contract is controlling for purposes of margin regulations and Federal securities law, regardless of the delivery of cash or securities. Accordingly, the Board concluded that this part did not apply to this extension of credit. (15 U.S.C. 78w. Interprets or applies 15 U.S.C. 78g)

Dated at Washington, D.C., this 1st day of March 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,  
Assistant Secretary.

[F.R. Doc. 68-2793; Filed, Mar. 6, 1968; 8:45 a.m.]

[Regs. G, T, and U]

**PART 207—CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS FOR PURPOSE OF PURCHASING OR CARRYING REGISTERED EQUITY SECURITIES**

**PART 220—CREDIT BY BROKERS, DEALERS, AND MEMBERS OF NATIONAL SECURITIES EXCHANGES**

**PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS**

**Deferred Effective Date**

By documents appearing in the FEDERAL REGISTER of February 8, 1968 (33 F.R. 2691, 2695, 2702), the Board of Governors adopted a new Part 207 and amended §§ 220.1 through 220.8 and §§ 221.1 through 221.4, all effective March 11, 1968.

To mitigate the administrative burden connected with handling a substantial volume of ministerial agency transactions involved in effectuating the requirements of §§ 207.4(f), 220.7(f), and 221.3(u), the Board has deferred the effective date of such paragraphs from March 11, to April 10, 1968.

The effective date of all other provisions of Part 207 and of §§ 220.1 through 220.8 and §§ 221.1 through 221.4 remain unchanged.

Dated at Washington, D.C., the 29th day of February 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,  
Assistant Secretary.

[F.R. Doc. 68-2794; Filed, Mar. 6, 1968; 8:45 a.m.]

**Title 14—AERONAUTICS AND SPACE**

**Chapter I—Federal Aviation Administration, Department of Transportation**

[Docket No. 68-EA-20; Amdt. 39-561]

**PART 39—AIRWORTHINESS DIRECTIVES**

**Found Brothers Aircraft**

Amendment 39-534, 33 F.R. 256, AD 68-1-4, requires a replacement of the fuselage forward attachment bolt and repetition inspections of said bolt and the wing root ribs. In promulgating the Airworthiness Directive, the bolt was referred to as a "NAS 145" instead of the correct description "NAS 146-42". This amendment, therefore, will correct the error.

Since this amendment provides a change for an error and imposes no additional burden on any person, notice and public procedure herein are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended as follows:

Delete in AD 68-1-4 the term "NAS 145" and insert in lieu thereof the term "NAS 146-42".

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Jamaica, N.Y., on February 27, 1968.

This amendment effective March 8, 1968.

MARTIN J. WHITE,  
Acting Director, Eastern Region.

[F.R. Doc. 68-2810; Filed, Mar. 6, 1968; 8:46 a.m.]

[Airspace Docket No. 67-EA-135]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS**

**Alteration of Federal Airways, Transition Area, and Reporting Point; Revocation**

On January 27, 1968, Airspace Docket No. 67-EA-135 was published in the FEDERAL REGISTER (33 F.R. 1071) which changed the name of the Elkins, W. Va., VORTAC is not the best means to resolve descriptions of several airways, the Elkins transition area, and as a designated reporting point.

After further consideration, it has been determined that renaming the Elkins VORTAC is not the best means to resolve the problem of confusingly similar names of navigational aids.

In accordance therewith, effective immediately, the amendments contained in

Airspace Docket No. 67-EA-135 are hereby revoked.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on March 5, 1968.

T. McCORMACK,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[F.R. Doc. 68-2878; Filed, Mar. 6, 1968; 8:50 a.m.]

**Title 16—COMMERCIAL PRACTICES**

**Chapter I—Federal Trade Commission**

[Docket No. C-1299]

**PART 13—PROHIBITED TRADE PRACTICES**

**Congress Sportswear Company, Inc., and Norman F. Grossman**

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties*: 13.1185-80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Congress Sportswear Company, Inc., et al., Boston, Mass., Docket C-1299, Feb. 16, 1968]

*In the Matter of Congress Sportswear Co., Inc., a Corporation, and Norman F. Grossman, Individually and as an Officer of Said Corporation*

Consent order requiring a Boston, Mass., clothing manufacturer to cease misbranding and falsely guaranteeing its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That respondents Congress Sportswear Co., Inc., a corporation and its officers, and Norman F. Grossman, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of textile fiber products; or in connection with the sale,

offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber products, which have been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce of any textile fiber products, whether in their original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to affix labels to such textile fiber products showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

*It is further ordered*, That respondents Congress Sportswear Co., Inc., a corporation, and its officers, and Norman F. Grossman, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely invoiced under the provisions of the Textile Fiber Products Identification Act.

*It is further ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 16, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 68-2796; Filed, Mar. 6, 1968;  
8:45 a.m.]

[Docket No. C-607 o.]

### PART 13—PROHIBITED TRADE PRACTICES

#### Devcon Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service*: 13.170-88 Tensile strength. Subpart—Misbranding or mislabeling: § 13.1290 *Qualities or properties*. Subpart—Using misleading name—Goods: § 13.2325 *Qualities or properties*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order to cease and desist, Devcon Corp. et al., Danvers, Mass., Docket C-607, Feb. 6, 1968]

#### *In the Matter of Devcon Corp., a Corporation, and Albert M. Creighton, Jr., and E. Leslie Hall, Individually and as Officers of Said Corporation*

Order modifying a consent order of October 11, 1963, 28 F.R. 11778, by allowing the respondent company to use the trade name "Plastic Steel"; *Provided*, That its use in advertising or on labels has qualifying language that it is "A Steel-Filled Epoxy Resin" and will not withstand extreme heat nor conduct electricity.

The modified order to cease and desist, is as follows:

*It is ordered*, That respondent Devcon Corp., a corporation, and its officers, and Albert M. Creighton, Jr., and E. Leslie Hall, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of "Plastic Steel," "Devcon Steel," "Devcon Liquid Aluminum," "Devcon '2 Ton' The Epoxy 'Super Glue,'" or any other products in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "steel" or "aluminum" or any other word or words denoting metallic substances in brand names to designate, describe or refer to a product which, after application, does not have the same physical and chemical properties of metal and of any particular metal represented: *Provided, however*, That nothing herein contained shall prohibit truthful representations in advertising and labeling of the percentage of content of any metallic substances in such products: *And provided, further*, That respondents' continued use in advertising and labeling of their trademark "Plastic Steel" to designate their steel-filled epoxy resin product shall not be deemed a violation of the requirements of this paragraph so long as the qualifying language "A Steel-Filled Epoxy Resin," and "will not conduct electricity or withstand a direct flame or prolonged heat in excess of 300° F." appears clearly and conspicuously in conjunction therewith.

2. Representing, directly or by implication, that

(a) The product designated "Plastic Steel" or any other product of similar composition or characteristics forms a hardened metal or a substance that has the effectiveness or intrinsic characteristics of a hardened metal or of steel or that is not adversely affected by heat or chemicals;

(b) The products designated "Devcon Steel" and "Devcon Liquid Aluminum" or any other product of similar composition or characteristics are liquid metals or that when used they form hardened metals or substances that have the effectiveness or intrinsic characteristics of hardened metals;

(c) One drop of the product designated "Devcon '2 Ton' The Epoxy 'Super Glue'" has an adhesive strength of 2

tons or an adhesive strength in any amount in excess of the true facts.

3. Misrepresenting in any manner the nature, composition, effectiveness, or characteristics of their products.

4. Furnishing or otherwise placing in the hands of others means and instrumentalities by and through which they may mislead the public as to any of the matters and things herein prohibited.

*It is further ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission, Commissioner Nicholson not participating for the reason that oral argument was heard prior to his taking the oath of office.

Issued: February 6, 1968.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 68-2797; Filed, Mar. 6, 1968;  
8:45 a.m.]

### PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

#### Promotion and Sponsorship of Price Catalogs by Trade Association

##### § 15.200 Promotion and sponsorship of price catalogs by trade association.

(a) The Commission was requested to render an opinion with respect to an outstanding order to cease and desist which, among other things, proscribed agreements to suggest resale prices. The issue involved the legality of a covered Trade Association's sponsorship of catalogs for its member-dealers, which catalogs would contain manufacturers' suggested resale price.

(b) The Commission advised that under an outstanding Commission order covering the Trade Association and its members such sponsorship by the Association may well violate said order.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: March 6, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 68-2798; Filed, Mar. 6, 1968;  
8:45 a.m.]

### PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

#### Specialized Automotive Repair Association Wants To Publish Flat Rate Manual for Its Members

##### § 15.201 Specialized automotive repair association wants to publish flat rate manual for its members.

(a) The Commission issued an advisory opinion stating that it cannot approve the publication by a specialized automotive repair association of a flat rate repair manual for use by its members in determining labor charges.

(b) The Commission commented that there is implicit too grave a danger that the association's manual would facilitate price fixing between competing repair shop operators. The Commission pointed out the well-established antitrust principle that price fixing by competitors is illegal per se. The public expects to derive benefits from different prices offered by competing service operators.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: March 6, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 68-2799; Filed, Mar. 6, 1968;  
8:46 a.m.]

## Title 39—POSTAL SERVICE

### Chapter I—Post Office Department MISCELLANEOUS AMENDMENTS TO CHAPTER

The regulations of the Post Office Department are amended as follows:

#### PART 126—SECOND-CLASS BULK MAILINGS

I. In § 126.6, paragraphs (f), (g), and (h) are revised to provide for use of Form 3548 when verifying the annual data furnished by publishers on Form 3542, and to include the type of publishers records which are reviewed to make the annual verification.

#### § 126.6 Weighing and collection of postage.

\* \* \* \* \*

(f) *Annual verification.* (1) Verification of the data furnished on Form 3542 shall be made annually at offices where there are no more than 100 publications entered as second class. At other offices verification shall be accomplished by cycling over a period not to exceed 5 years as follows:

Publications entered	Cycling period
101-200	2 years
201-300	3 years
301-400	4 years
401	5 years

Records of the verifications on Form 3548, "Postmaster and Publisher Joint Review of Data on Form 3542" must be retained with the applicable Forms 3542.

(2) Postmasters must select a Form 3542 which is on file for each publication and review it with the publisher. The review must include an inspection of the publisher's record such as the print order or invoice showing the total number of copies printed, individual and bulk orders for subscriptions, stubs of receipts issued, sales records and returns for over-the-counter sales, cash book, or similar records. Postmasters must determine that:

(i) Copies reported as subscribers' copies, which must not include complimentary or other nonsubscribers' copies, are in substantial agreement with the publisher's mail circulation records.

(ii) Nonsubscribers' copies, other than those mailed at the transient second-class rate, are declared as samples but do not exceed the amount allowable. See § 132.4(f)(1)(ii) of this chapter.

(iii) Nonsubscribers' copies which exceed the amount allowable as samples are mailed at the transient second-class rate.

(iv) During the previous 12-month period the total copies to be paid subscribers and to purchasers of single copies constitute at least 65 percent of the total circulated. See § 132.2(b)(7) of this chapter.

(3) Where the verification discloses discrepancies which in the opinion of the postmaster are substantial and which cannot be resolved, the postmaster shall submit a memorandum of the facts with a complete report on the reverse of Form 3501 to the Classification and Special Services Division, Bureau of Operations, for advice and instructions before taking further action.

(g) *Payment of postage at time of mailing or by advance deposits.* Publishers must pay in money before the mailings are dispatched all postage charged at the second-class rates shown in § 132.1 of this chapter. Exception: The transient rate (§ 132.1(c) of this chapter) must be paid by adhesive or meter stamps or by permit imprints. (See §§ 144.3(b) and 144.5(a)(2) of this chapter). Postmasters will accept deposits of money to pay for as many mailings as desired and will give the publishers Form 3544 "Post Office Receipt for Money", for the deposits.

(h) *Record of mailings.* Postage on the bulk mailings will be computed on Form 3540, "Compensation of Special Rate Second-Class Postage" or Form 3541 "Compensation of Regular Second-Class and Controlled Circulation Postage", from the weights obtained on Form 3542. The publisher will be furnished a duplicate of Form 3540 or Form 3541 if he requests one. When postage is computed on the bulk weight of one issue, the mailings and postage will be recorded in Form 3543. "(Special) Record of Second-Class Postage." When postage is computed at the end of each calendar month on the total weight of all issues mailed during the month, the total mailings and postage for the month will be computed on one Form 3541, and only the totals will be recorded in Form 3543.

\* \* \* \* \*

NOTE: The corresponding Postal Manual sections are 126.66, 126.67, and 126.68 respectively.

#### PART 151—SERVICE IN POST OFFICES

##### § 151.3 [Amended]

II. In § 151.3 *Post office boxes*, make the following changes:

A. Paragraph (c)(1)(i) is revised to rearrange the office groups used in determining the current rental rate for call and lockboxes at main post offices.

(c) *Rental rates*—(1) *Main post offices*—(i) *Office groups.* The following nine groups are for use in determining

the correct rate category for call and lockboxes at main post offices.

*Group A.* Post offices offering city delivery service and with the position of the postmaster ranked in salary level 17, 18, 19, or 20.

*Group B.* Post offices offering city delivery service and with the position of the postmaster ranked in salary level 15 or 16.

*Group C.* Post offices offering city delivery service and with the position of the postmaster ranked in salary level 13 or 14.

*Group D.* Post offices offering city delivery service and with the position of the postmaster ranked in salary levels 11 or 12.

*Group E.* Post offices offering city delivery service and with the position of the postmaster ranked in salary levels 8, 9, or 10.

*Group F.* Post offices not offering city delivery service and with the position of the postmaster ranked in salary levels 9, 10, or above.

*Group G.* Post offices not offering city delivery service and with the position of the postmaster ranked in salary level 8.

*Group H.* Post offices not offering city delivery service and with the position of the postmaster ranked in salary levels 6 or 7.

*Group I.* All fourth-class post offices.

\* \* \* \* \*

NOTE: The corresponding Postal Manual section is 151.331a.

B. Paragraph (c)(2)(i)(a)(1) and (2) is revised to show an increase in the salary level by 1.

(c) *Rental rates.* \* \* \*

(2) *Rates at stations, branches, annexes, and airport mail facilities*—(i) *Stations, branches, annexes, and airport mail facilities of first-class offices.* (a) With the exception of rural stations and branches or stations and branches primarily servicing academic institutions (see subdivision (iii) of this subparagraph) box rent rates at stations, branches, annexes and airport mail facilities affiliated with first-class post offices, regardless of gross annual postal receipts, shall be based on the following:

(1) All classified stations, branches, and airport mail facilities, with or without city carrier service and with the position of the superintendent ranked in salary levels 10 or above, the rates are those prescribed in the box rent schedule for the first group below that of the main office.

(2) At classified stations, branches, and airport mail facilities, with or without city carrier service and with the position of the superintendent ranked in salary levels 9 or below, the rates are those prescribed in the box rent schedule for the second group below that of the main office.

\* \* \* \* \*

NOTE: The corresponding Postal Manual sections are 151.332a(1) and 151.332a(2) respectively.

C. Paragraph (d) is revised to provide for the advanced payment of box rent for the next consecutive quarter, or quarters.

(d) *Payment of box rent.* Box rent must be paid in advance. Form 1538, Box rent receipt, is given for each payment. A box, except those at nonpersonnel rural stations (see subparagraph (5) of this paragraph), may be rented for the following periods: Quarterly; for the balance of the current quarter; for any

number of consecutive quarters within the fiscal year; annually (July 1-June 30); or for the remaining portion of the fiscal year. Boxholders of record may during the last quarter of the fiscal year pay rent for the next consecutive quarter or quarters in the ensuing fiscal year. The rent may be paid at the option of the boxholder, as follows:

(1) *Quarterly.* Quarters begin July 1, October 1, January 1, and April 1. Rent may be paid anytime on or before June 30, September 30, December 31, and March 31, respectively, for any number of consecutive quarters within the fiscal year.

(2) *For balance of current quarter.* (i) First month of quarter: Entire quarterly rate.

(ii) Second month of quarter: Two-thirds of quarterly rate. To determine the amount to be paid, multiply quarterly rate by two, and divide by three. Drop fractions of a cent.

(iii) Third month of quarter: If rented before 21st day, one-third quarterly rate. On or after the 21st day, no rent will be charged for the remaining days in the quarter, but full payment must be made for the following quarter.

(3) *Annually.* Rent may be paid annually any time on or before June 30. The fiscal year for box rents begins July 1 and ends June 30.

(4) *For balance of fiscal year.* After June 30, box rents may be paid for the remaining portion of the fiscal year. Rent must be paid for the fractional quarter, if any, computed in accordance with subparagraph (2) of this paragraph and for the remaining full quarters.

(5) *At nonpersonnel rural stations and branches.* Boxes at nonpersonnel rural stations and branches may be rented only on a fiscal year basis, or for the remaining portion of the fiscal year. (See subparagraph (3) of this paragraph.) For each payment collected, the rural carrier will issue Form 1096, Cash Receipt, pending issuance of Form 1538.

NOTE: The corresponding Postal Manual section is 151.34.

D. In paragraph (e) *Refund of box rent* insert the name "Application and Vouchers for Refunds of Postage and Fees" after the words "Form 3533" to show the name of the form.

NOTE: The corresponding Postal Manual section is 151.35.

## PART 155—CITY DELIVERY

III. In Part 155, make the following changes:

### § 155.1 [Amended]

A. In § 155.1 *Establishing city delivery* delete the word "approximately" and insert in lieu thereof the words "or more" to set the minimum population figure for the establishment of city delivery.

NOTE: The corresponding Postal Manual section is 155.1.

### § 155.2 [Amended]

B. In § 155.2 *Extension of city delivery* delete the word "mounted" and

insert in lieu thereof the word "motorized."

NOTE: The corresponding Postal Manual section is 155.2.

C. In § 155.4, paragraph (b) is revised to show changes in door slot specifications.

### § 155.4 Mail receptacles.

(b) *Door slot specifications.* The clear rectangular opening in the outside slot plate must be at least 1½ inches wide and 7 inches long. The slot must have a flap, hinged at the top if placed horizontally, and hinged on the side away from the hinge side of the door if placed vertically. When an inside hood is used to provide greater privacy, the hooded portion must not be below the bottom line of the slot in the outside plate if placed horizontally, or beyond the side line of the slot in the outside plate nearest the hinge edge of the door if placed vertically. The hood at its greatest projection must not be less than 2¼ inches beyond the inside face of the door. Door slots must be placed not less than 30 inches above the finished floor line.

NOTE: The corresponding Postal Manual section is 155.4.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,  
General Counsel.

MARCH 4, 1968.

[F.R. Doc. 68-2821; Filed, Mar. 6, 1968; 8:47 a.m.]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter 7—Agency for International Development, Department of State

#### PART 7-1—GENERAL

#### PART 7-6—FOREIGN PURCHASES

#### Miscellaneous Amendments

Chapter 7 of Title 41 is amended as follows:

#### Subpart 7-1.3—General Policies

1. The Table of Contents for Part 7-1 is revised to delete, in its entirety, "7-1.313 [Reserved]" and to insert, in lieu thereof, "7-1.313 Record of contract actions".

2. New § 7-1.313 is added as follows:

#### § 7-1.313 Record of contract actions.

In order that the official contract file may contain a full history of each procurement to (a) support actions taken by various personnel in the procurement cycle, (b) provide information for reviews conducted by A.I.D. or others, (c) supply data for use in preparing replies to Congressional inquiries, and (d) furnish essential facts in the event of litigation, each such file shall contain the following data, as applicable:

(1) A copy of the Project Implementation Order (PIO) or other action author-

ity document that conveys authority to procure services or personal property against A.I.D. financing;

(2) On negotiated procurements, identification of the circumstance permitting negotiation (AIDPR 7-3.200-50) (FPR 1-3.2);

(3) A list of the sources solicited or justification for limiting sources (AIDPR 7-3.101-50) and a list of any firms or persons whose requests for copies of the solicitation were denied, together with the reasons for denial;

(4) A copy of the formal solicitation of proposal, the Invitation for Bid (IFB), or a record of informal solicitation of proposals;

(5) A copy of the synopsis message sent to the "Commerce Business Daily" for publicizing contracting or subcontracting possibilities (FPR 1-1.1003-7) or reasons for not synopsisizing (FPR 1-1.1003-2);

(6) A copy of each signed bid or proposal received;

(7) The Bidder's Statement of Contingent Fee (FPR 1-1.505);

(8) All price and cost data submitted or used including Certificates of Current Cost or Pricing Data (FPR 1-3.807-4);

(9) The Contracting Officer's determination of the contractor's responsibility (FPR 1-1.310-6(b));

(10) A full record of negotiations, including but not limited to:

- (i) Participants;
- (ii) Dates and places of meetings;
- (iii) Selection of the successful contractor including reasons for selection;
- (iv) Agreements on Government-furnished materials, equipment, or facilities;
- (v) Technical or financial recommendations;

(vi) Terms, conditions, and type of contract agreed to;

(vii) Agreements on subcontracting;

(viii) Justification for fixed fee or profit, and

(ix) Justification for final cost or price;

(11) Required Determinations and Findings (FPR 1-3.302);

(12) A record of the preaward on-site-evaluation surveys conducted (FPR 1-1.310-9);

(13) A copy of any deviations approved by the Assistant Administrators (AA's) (AIDPR 7-1.107, 7-1.305-3);

(14) Any required approvals and clearances (General Counsel, Security, Technical, Controller, Small Business, etc.);

(15) A copy of the contract or award;

(16) A copy of the synopsis message sent to the "Commerce Business Daily" publicizing contract awards (FPR 1-1.1004-1);

(17) A copy of the Individual Procurement Action Report (IPAR) (M.O. 1423.1);

(18) Any exceptions or exemptions to the Buy American Act or Foreign Assistance Act (FPR 1-6.1) (AIDPR 7-6.103-51, 7-6.51, and 7-6.52);

(19) Copies of all amendments and task orders with supporting documents;

(20) Copy of contractor's established policies and practices covering compensation, leave, workweek, promotions, etc. (standard clauses, AIDPR 7-16.9);

(21) Evidence of contractor's compliance with equal opportunity provisions (AIDPR 7-12.805-4);

(22) Copies of advance payment data (FPR 1-30.4);

(23) Copies of the Federal Reserve Letter of Credit (FRLC) data (AIDPR 7-30.51);

(24) Copy of Contracting Officer's decisions under the Disputes clause (AIDPR 7-1.318);

(25) Termination data (FPR 1-8) (AIDPR 7-8);

(26) All other pertinent correspondence, documents and reports;

(27) Final release upon completion of the contract (Standard Payment clause, AIDPR 7-16.9).

**Subpart 7-6.52—U.S. Source Restrictions—Commodities**

1. Section 7-6.5203 is deleted in its entirety and the following substituted therefor:

**§ 7-6.5203 A.I.D. policy.**

Commodities procured with U.S. dollars rather than with local currencies for foreign assistance projects will be of U.S. source and shall have been mined, grown, or through manufacturing, processing, or assembly produced in the United States. Exceptions to this policy may be made in accordance with M.O. 1414.1.1.

**§ 7-6.5205 [Amended]**

2. Section 7-6.5205 is revised to:

(a) Delete in its entirety, the parenthetical phrase at the end of the paragraph, "(Certain A.I.D. contracts \* \* \* they appear)"; and

(b) Add the following to the section: "If (a) the effective use of printed or audiovisual teaching materials depends upon their being in the local language, and (b) such materials are intended for technical assistance projects or activities financed by A.I.D. in whole or in part; and (c) other funds, including U.S.-owned or controlled local currencies, are not readily available to finance the procurement of such materials, local language versions may be procured from the following sources, in order of preference:

Countries selected from Geographic Code:

- (1) 000,
- (2) 901,
- (3) 935,
- (4) 899.

The relevant code shall be stated in the contract."

These amendments are effective upon publication in the FEDERAL REGISTER.

Dated: February 29, 1968.

H. REX LEE,  
Assistant Administrator  
for Administration.

[F.R. Doc. 68-2837; Filed, Mar. 6, 1968; 8:49 a.m.]

**Chapter 9—Atomic Energy Commission**

**PART 9-7—CONTRACT CLAUSES**

**Subpart 9-7.50—Use of Standard Clauses**

**PART 9-8—TERMINATION OF CONTRACTS**

**Subpart 9-8.7—Clauses**

**PART 9-16—PROCUREMENT FORMS**

**Subpart 9-16.50—Contract Outlines**

**MISCELLANEOUS AMENDMENTS**

These amendments to the AEC Procurement Regulations provide suggested termination articles for cost-plus-a-fixed-fee construction contracts, cost-plus-a-fixed-fee architect-engineer contracts, lump-sum architect-engineer contracts, and operating contracts.

**§ 9-7.5006-35 [Deleted]**

1. § 9-7.5006-35, *Termination*, is deleted and reserved.

2. The following sections are added to 9-7.5007:

**§ 9-7.5007-14 Termination article for cost-plus-a-fixed-fee construction contracts.**

See AECPR 9-8.750.

**§ 9-7.5007-15 Termination article for cost-plus-a-fixed-fee architect-engineer contracts.**

See AECPR 9-8.751.

**§ 9-7.5007-16 Termination article for lump-sum architect-engineer contracts.**

See AECPR 9-8.752.

**§ 9-7.5007-17 Termination article for operating contracts.**

See AECPR 9-8.753.

3. The following sections are added to Subpart 9-8.7:

**§ 9-8.750 Termination article for cost-plus-a-fixed-fee construction contracts.**

The following article is suggested for use in cost-plus-a-fixed-fee construction contracts:

*Termination—(a) Notice of termination for default or convenience.* The contracting officer may at any time terminate performance of the work under this contract in whole or from time to time in part for the default of the contractor or for the convenience of the Government by written notice to the contractor stating the ground for termination. Such termination shall be effective in the manner and upon the date specified in said notice and shall be without prejudice to any claims which the Government may have against the contractor. Upon receipt of such notice and except as otherwise directed by the contracting officer, the contractor shall:

(1) Stop work under the contract on the date and to the extent specified in the notice of termination;

(2) Place no further orders or subcontracts for materials, services, or facilities, except as may be necessary for completion of such portion of the work under the contract as is not terminated; and

(3) Terminate all orders and subcontracts to the extent they relate to the performance

of work terminated by the notice of termination.

(b) *Termination for default.* (1) If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in this contract, or any extension thereof, or fails to complete said work within such time, or if the contractor fails to perform any of the other provisions of this contract, the contracting officer may terminate for default the contractor's right to proceed with the work or such part of the work as to which there has been delay: *Provided*, That the performance of the work shall not be terminated for default because of any delays in the completion of work due to unforeseeable causes beyond the control and without the fault or negligence of the contractor, including, but not restricted to, acts of God, or the public enemy, acts of the Government in either its sovereign or contractual capacity, acts of another contractor in the performance of a contract with the Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather or delays of subcontractors or suppliers arising from unforeseeable causes beyond the control and without the fault or negligence of both the contractor and subcontractors or suppliers, and if the contractor within ten (10) days from the beginning of any such delay (unless the contracting officer grants a further period of time prior to the date of final settlement of the contract) notifies the contracting officer in writing of the causes of delay. The contracting officer shall ascertain the facts and the extent of the delay and extend the time for completing the work when in his judgment the findings of fact justify such an extension, and his findings of fact thereon shall be final and conclusive on the parties hereto, subject only to appeal by the contractor to the Commission in accordance with Article ----- hereof entitled "Disputes."

(2) If, after notice of termination of this contract for default under (1) above, it is determined for any reason that the contractor was not in default pursuant to (1), or that the contractor's failure to perform or to make progress in performance is due to causes beyond the control and without the fault or negligence of the contractor pursuant to the provisions of this contract relating to excusable delays, the notice of termination shall be deemed to have been issued for the convenience of the Government under this clause, and the rights and obligations of the parties hereto shall in such event be governed accordingly.

(c) *Entry by Commission after default.* If performance of the work under this contract is terminated for the default of the contractor, the Government may take over the work and prosecute the same to completion, by contract or otherwise, may take possession of and utilize in completing the work such materials, appliances, and plant of the contractor as may be on the site of the work and necessary therefor, and may require the contractor to assign or convey any or all of the contractor's options, privileges, and rights necessary for the performance of work under this contract. The contractor shall be liable to the Government for costs occasioned the Government by the default. Rental shall be paid to the contractor for contractor-owned equipment so retained by the Government at rates prescribed pursuant to Article ----- hereof entitled "Allowable Costs and Fixed Fee."

(d) *Terms of settlement.* Upon the termination of performance of work under this contract, full and complete settlement of all claims of the contractor with respect to the terminated work shall be made as follows:

(1) *Assumption of contractor's obligations.* The Government shall have the right in its discretion to assume all obligations, commitments and claims that the contractor may have theretofore in good faith undertaken or incurred in connection with the terminated work, the cost of which would be allowable in accordance with the provisions of this contract; and the contractor shall, as a condition of receiving the payments mentioned in this article, execute and deliver all such papers and take all such steps as the contracting officer may require for the purpose of fully vesting in the Government all the rights and benefits of the contractor related to such obligations, commitments, and claims.

(2) *Payment for allowable costs.* The Government shall treat as allowable costs all expenditures made in accordance with Article ----- hereof entitled "Allowable costs and fixed fee," not previously so allowed or otherwise credited.

(3) *Payment for termination expense.* If performance of work under the contract is terminated for the convenience of the Government, the Government shall reimburse the contractor for such further expenditures made after the date of termination for the protection of Government property and for such legal and accounting services in connection with settlement as are required or approved by the contracting officer.

(4) *Payments on account of fixed fee.* If performance of work under the contract is terminated for the convenience of the Government, the contractor shall be paid that portion of the fixed fee which the work actually completed, as determined by the contracting officer, bears to the entire work under this contract, less payments previously made on account of the fee. If performance of the work under the contract is terminated for the default of the contractor, no further payments on account of the fixed fee shall accrue.

(5) *Computation of amount due.* In arriving at the amount, if any, due the contractor under this article, there shall be deducted from what would otherwise be due (i) all unliquidated advances and all other unliquidated payments on account theretofore made to the contractor, (ii) any claims of the Government against the contractor in connection with this contract, and (iii) all deductions due under the terms of this contract and not otherwise recovered by or credited to the Government.

(6) *Disposition of advances.* Upon termination of the work under this contract, any advance under this contract shall be handled as required by Article ----- hereof entitled "Payments and Advances."

(7) *Property accounting and release.* The contractor shall furnish the accounting for Government-owned property required by Article ----- hereof entitled "Property" and the assignment, closing financial statements, and release required by Article ----- hereof entitled "Payments and Advances."

(e) *Rights and remedies of the government.* The rights and remedies of the Government provided in this clause are in addition to any other rights and remedies provided by law or under this contract.

NOTE A: For miscellaneous on-site construction contracts of a continuing nature, the termination article suggested for operating contracts in AECPR 9-8.753 should be used in lieu of this article.

NOTE B: Paragraph (d)(7) as set forth above should be used in contracts where funds are advanced by the AEC. For contracts where funds are not advanced, delete the requirements for a closing financial statement and change the article reference from "Payments and Advances" to "Payments" and omit paragraph (d)(6) as set forth above.

### § 9-8.751 Termination article for cost-plus-a-fixed-fee architect-engineer contracts.

The following article is suggested for use in cost-plus-a-fixed-fee architect-engineer contracts:

*Termination—(a) Notice of termination for default or convenience.* The contracting officer may at any time terminate performance of the work under this contract in whole or from time to time in part for the default of the contractor or for the convenience of the Government by written notice to the contractor stating the ground for termination. Such termination shall be effective in the manner and upon the date specified in said notice and shall be without prejudice to any claims which the Government may have against the contractor. Upon receipt of such notice and except as otherwise directed by the contracting officer, the contractor shall:

(1) Stop work under the contract on the date and to the extent specified in the notice of termination;

(2) Place no further orders or subcontracts for materials, services, or facilities, except as may be necessary for completion of such portion of the work under the contract as is not terminated; and

(3) Terminate all orders and subcontracts to the extent they relate to the performance of work terminated by the notice of termination.

(b) *Termination for default.* (1) If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in this contract, or any extension thereof, or fails to complete said work within such time, or if the contractor fails to perform any of the other provisions of this contract, the contracting officer may terminate for default the contractor's right to proceed with the work or such part of the work as to which there has been delay: *Provided*, That the performance of the work shall not be terminated for default because of any delays in the completion of work due to unforeseeable causes beyond the control and without the fault or negligence of the contractor, including, but not restricted to, acts of God, or the public enemy, acts of the Government in either its sovereign or contractual capacity, acts of another contractor in the performance of a contract with the Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather or delays of subcontractors or suppliers arising from unforeseeable causes beyond the control and without the fault or negligence of both the contractor and subcontractors or suppliers, and if the contractor within ten (10) days from the beginning of any such delay (unless the contracting officer grants a further period of time prior to the date of final settlement of the contract) notifies the contracting officer in writing of the causes of delay. The contracting officer shall ascertain the facts and the extent of the delay and extend the time for completing the work when in his judgment the findings of fact justify such an extension, and his findings of fact thereon shall be final and conclusive on the parties hereto, subject only to appeal by the contractor to the Commission in accordance with Article ----- hereof entitled "Disputes."

(2) If, after notice of termination of this contract for default under (1) above, it is determined for any reason that the contractor was not in default pursuant to (1), or that the contractor's failure to perform or to make progress in performance is due to causes beyond the control and without the fault or negligence of the contractor pursuant to the provisions of this clause re-

lating to excusable delays, the notice of termination shall be deemed to have been issued for the convenience of the Government under this clause, and the rights and obligations of the parties hereto shall in such event be governed accordingly.

(c) *Liability for costs on default.* If performance of the work under this contract is terminated for the default of the contractor, the Government may complete or employ any other person or persons to complete the work, and the contractor shall be liable to the Government for increased costs occasioned the Government by the default.

(d) *Terms of settlement.* Upon the termination of performance of work under this contract, full and complete settlement of all claims of the contractor with respect to the terminated work shall be made as follows:

(1) *Assumption of contractor's obligations.* The Government shall have the right in its discretion to assume all obligations, commitments, and claims that the contractor may have theretofore in good faith undertaken or incurred in connection with the terminated work, the cost of which would be allowable in accordance with the provisions of this contract; and the contractor shall, as a condition of receiving the payments mentioned in this article, execute and deliver all such papers and take all such steps as the contracting officer may require for the purpose of fully vesting in the Government all the rights and benefits of the contractor, related to such obligations, commitments, and claims.

(2) *Payment for allowable costs.* The Government shall treat as allowable costs all expenditures made in accordance with Article ----- hereof entitled "Allowance costs and fixed fee" not previously so allowed or otherwise credited.

(3) *Payment for termination expense.* If performance of work under the contract is terminated for the convenience of the Government, the Government shall reimburse the contractor for such further expenditures made after the date of termination for the protection of Government property and for such legal and accounting services in connection with settlement as are required or approved by the contracting officer.

(4) *Payments on account of fixed fee.* If performance of work under the contract is terminated for the convenience of the Government, the contractor shall be paid that portion of the fixed fee which the work actually completed so determined by the contracting officer, bears to the entire work under this contract less payments previously made on account of the fee. If performance of the work under the contract is terminated for the default of the contractor, no further payment on account of the fixed fee shall accrue.

(5) *Computation of amount due.* In arriving at the amount, if any, due the contractor under this clause, there shall be deducted from what would otherwise be due (i) all unliquidated advances and all other unliquidated payments on account theretofore made to the contractor, (ii) any claims of the Government against the contractor in connection with this contract, and (iii) all deductions due under the terms of this contract and not otherwise recovered by or credited to the Government.

(6) *Disposition of advances.* Upon termination of the work under this contract, any advance under this contract shall be handled as required by Article -----, "Payments and Advances."

(7) *Property accounting and release.* The contractor shall furnish the accounting for Government-owned property required by the clause entitled "Property" and the assignment, closing financial statement, and release required by the clause entitled "Payments and Advances."

(e) *Rights and Remedies of the Government.* The rights and remedies of the Government provided in this clause are in addition to any other rights and remedies provided by law or under this contract.

NOTE: Paragraph (d) (7) as set forth above should be used in contracts where funds are advanced by the AEC. For contracts where funds are not advanced, delete the requirements for a closing financial statement and change the article reference from "Payments and Advances" to "Payments" and omit paragraph (d) (6) as set forth above.

**§ 9-8.752 Termination article for lump-sum architect-engineer contracts.**

The following article is suggested for use in lump-sum architect-engineer contracts:

*Termination—(a) Notice of termination for default or convenience.* The contracting officer may at any time terminate performance of the work under this contract in whole or from time to time in part for the default of the contractor or for the convenience of the Government by written notice to the contractor stating the ground for termination. Such termination shall be effective in the manner and upon the date specified in said notice and shall be without prejudice to any claims which the Government may have against the contractor. Upon receipt of such notice and except as otherwise directed by the contracting officer, the contractor shall:

(1) Stop work under the contract on the date and to the extent specified in the notice of termination;

(2) Place no further orders or subcontracts for materials, services or facilities, except as may be necessary for completion of such portion of the work under the contract as is not terminated; and

(3) Terminate all orders and subcontracts to the extent they relate to the performance of work terminated by the notice of termination.

(b) *Termination for default.* (1) If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in this contract, or any extension thereof, or fails to complete said work within such time, or if the contractor fails to perform any of the other provisions of this contract, the contracting officer may terminate for default the contractor's right to proceed with the work or such part of the work as to which there has been delay. *Provided,* That the performance of the work shall not be terminated for default because of any delays in the completion of work due to unforeseeable causes beyond the control and without the fault or negligence of the contractor, including, but not restricted to, acts of God, or of the public enemy, acts of the Government in either its sovereign or contractual capacity, acts of another contractor in the performance of a contract with the Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, or delays of subcontractors or suppliers arising from unforeseeable causes beyond the control and without the fault or negligence of both the contractor and subcontractors or suppliers, and if the contractor within ten (10) days from the beginning of any such delay (unless the contracting officer grants a further period of time prior to the date of final settlement of the contract) notifies the contracting officer in writing of the causes of delay. The contracting officer shall ascertain the facts and the extent of delay and extend the time for completing the work when in his judgment the findings of fact justify such an extension, and his findings of fact thereon shall be final and conclusive on the parties hereto, subject only to appeal by the contractor to the Commission in accordance with Article ----- hereof entitled "Disputes."

(2) If, after notice of termination of this contract for default under (1) above, it is determined for any reason that the contractor was not in default pursuant to (1), or that the contractor's failure to perform or to make progress in performance is due to causes beyond the control and without the fault or negligence of the contractor pursuant to the provisions of this clause relating to excusable delays, the notice of termination shall be deemed to have been issued for the convenience of the Government under this clause, and the rights and obligations of the parties hereto shall in such event be governed accordingly.

(c) *Liability for excess costs on default.* If performance of the work under the contract is terminated for the default of the contractor, the Government may complete or employ any other person or persons to complete the work, and the contractor shall be liable to the Government for any excess cost occasioned the Government thereby.

(d) *Termination and settlement for the convenience of the Government.* If performance of work is terminated for the convenience of the Government, an equitable downward adjustment in the contract price resulting in a revised price that compensates the contractor fairly under all the circumstances for work performed under the contract (except services and materials, the cost of which are, and shall continue to be, reimbursable under the article of this contract entitled "Payment") shall be established in accordance with the agreement of the parties. Failure to agree on such equitable adjustment and revised price under this clause shall be deemed to be a dispute within the meaning of Article ----- hereof entitled "Disputes." The contractor shall make similar provisions covering termination for convenience with respect to all subcontracts and purchase orders.

(e) *Other remedies.* The rights and remedies of the Government provided in this article shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

**§ 9-8.753 Termination article for operating contracts.**

The following article is suggested for use in operating contracts:

(a) This contract shall continue until ----- unless sooner terminated in accordance with the provisions which follow:

(1) The performance of work under this contract may be terminated by the Commission in whole, or from time to time in part, (i) whenever the contractor shall default in performance, and shall fail to cure the fault or failure within such period as the Commission may allow after receipt from the Commission of a notice specifying the fault or failure, or (ii) whenever for any reason the Commission shall determine any such termination is for the best interest of the Government. Termination of the work hereunder shall be effected by delivery of a notice of termination specifying whether termination is for default of the contractor or for the convenience of the Government, the extent to which performance of work under the contract shall be terminated, and the date upon which such termination shall become effective. Any such termination shall be without prejudice to any claim which either party may have against the other. If, after notice of termination under the provisions of paragraph (a)(1)(i) above, it is determined for any reason that the contractor was not in default, such notice of default shall be deemed to have been issued pursuant to paragraph (a)(1)(ii) above, and the rights and obligations of the parties hereto shall in such event be governed accordingly.

(2) Upon receipt of notice of termination, in accordance with paragraph (1) above, the contractor shall, to the extent directed in

writing by the Commission, discontinue the terminated work and the placing of orders for materials, facilities, supplies, and services in connection therewith, and shall proceed, if, and to the extent required by the Commission, to cancel promptly, and settle with the approval of the Commission, existing orders, subcontracts, and commitments insofar as such orders, subcontracts, and commitments pertain to this contract.

(b) Upon the termination of this contract, full and complete settlement of all claims of the contractor and of the Commission arising out of this contract shall be made as follows:

(1) The Government shall have the right in its discretion to assume sole responsibility for any or all obligations, commitments, and claims that the contractor may have undertaken or incurred, the cost of which are allowable in accordance with the provisions of this contract; and the contractor shall, as a condition of receiving the payments mentioned in this article, execute and deliver all such papers and take all such steps as the Commission may require for the purpose of fully vesting in the Government any rights and benefits the contractor may have under or in connection with such obligations, commitments, or claims.

(2) The Government shall treat as allowable costs all expenditures made in accordance with and allowable under the article entitled "Allowable Costs and Fixed Fee," not previously so allowed or otherwise credited for work performed prior to the effective date of termination, together with expenditures as may be incurred for a reasonable time thereafter with the approval of, or as directed by, the contracting officer.

(3) The Government shall treat as allowable costs, to the extent not included in (b)(2) above, the costs of settling and paying claims arising out of the termination of work under orders, subcontracts, and commitments as provided in paragraph (a) (2) above.

(4) The Government shall treat as allowable costs the reasonable costs of settlement, including accounting, legal, clerical, and other expenses reasonably necessary for the preparation of settlement claims and supporting data with respect to the termination of the contract and for the termination and settlement of orders and subcontracts thereunder, together with such further expenditures made by the contractor after the date of termination for the protection or disposition of Government property as are approved or required by the Commission: *Provided, however,* That if the termination is for default of the contractor, there shall not be included any amount for preparation of the contractor's settlement proposal.

(5) If performance of work under this contract is terminated in whole by the Government, the fixed fee of the contractor shall be prorated to and including the effective date of such termination. In addition, if the termination is for the convenience of the Government, the contractor shall be paid a fixed fee in an amount to be agreed upon as compensation for its services in closing out the work under this contract after the effective date of such termination.

The additional fixed fee is to be negotiated as soon as practicable after service of notice of termination, shall take into account the estimate of the cost of the services and managerial effort to be rendered under this article after the effective date of termination, and shall be provided for in a supplement or amendment to this contract prior to final settlement hereunder. Pending agreement as to the amount of such fee, the contractor shall diligently proceed with the performance of the services required under this article. No additional fee will be paid if the contract is terminated due to the default of the contractor. In the event of a partial termination by the Government, an equitable

adjustment shall be made in the fixed fee if such termination results in a material decrease in the level of the contractor's management effort. Any failure to agree on the right to or the amount of any adjustment shall be deemed a dispute within the purview of the article hereof entitled "Disputes."

(6) The obligation of the Government to make any of the payments required by this article or any other provisions of this contract shall be subject to any unsettled claims in connection with this contract which the Government may have against the contractor.

(c) Prior to final settlement, the contractor shall furnish a release as required in the article entitled "Payments and Advances" hereof and such accounting for Government-owned property as may be required by the Commission: *Provided, however,* That unless the Commission requires an inventory, the maintenance and disposition of records of Government-owned property in accordance with the article entitled "Accounts, Records and Inspection" hereof shall be accepted by the Commission as full compliance with all requirements of this contract pertaining to an accounting for such property.

4. In § 9-16.5002-4, *Outline of a cost-plus-a-fixed-fee construction contract, Article XXVII—Termination*, is revised to read as follows:

§ 9-16.5002-4 *Outline of a cost-plus-a-fixed-fee construction contract.*

*Article XXVII—Termination.* Insert contract clause as set forth in AECPR 9-8.750.

5. In § 9-16.5002-5, *Outline of a cost-plus-a-fixed-fee architect-engineer contract, Article XXVII—Termination*, is revised to read as follows:

§ 9-16.5002-5 *Outline of a cost-plus-a-fixed-fee architect-engineer contract.*

*Article XXVII—Termination.* Insert contract clause as set forth in AECPR 9-8.751.

6. In § 9-16.5002-6, *Outline of a lump-sum architect-engineer contract (with cost reimbursement features), Article XXI—Termination*, is revised to read as follows:

§ 9-16.5002-6 *Outline of a lump-sum architect-engineer contract (with cost reimbursement features).*

*Article XXI—Termination.* Insert contract clause as set forth in AECPR 9-8.752.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

*Effective date.* These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 1st day of March 1968.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,  
Director, Division of Contracts.

[F.R. Doc. 68-2785; Filed, Mar. 6, 1968; 8:45 a.m.]

## Title 31—MONEY AND FINANCE: TREASURY

### Chapter II—Fiscal Service, Department of the Treasury

#### PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

##### Redemption Values and Investment Yields

Table 52, showing the investment yields to maturity for Series E Savings

Bonds with issue dates from June 1 through November 1, 1960, which is a part of Department Circular No. 653, Seventh Revision, dated March 18, 1966, as amended (31 CFR Part 316), is hereby supplemented by addition of the redemption values and investment yields for the extended maturity period, as set forth below.

Dated: February 29, 1968.

[SEAL] JOHN K. CARLOCK,  
Fiscal Assistant Secretary.

TABLE 52—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1960

Issue price.....	\$18.75	\$37.50	\$75.00	\$150.00	\$375.00	\$750.00	\$7,500	Approximate investment yield	
Original maturity value.....	25.00	50.00	100.00	200.00	500.00	1,000.00	10,000		
Period after issue date	(1) Redemption values during each half-year period <sup>1</sup> (values increase on first day of period shown)							(2) On purchase price from issue date to beginning of each half-year period <sup>1</sup>	(3) On current redemption value from beginning of each half-year period <sup>1</sup> to maturity
								Percent	Percent
First ½ year.....	\$18.75	\$37.50	\$75.00	\$150.00	\$375.00	\$750.00	\$7,500	0.00	*3.75
½ to 1 year.....	18.91	37.82	75.64	151.28	378.20	756.40	7,564	1.71	*3.89
1 to 1½ years.....	19.19	38.38	76.76	153.52	383.80	767.60	7,676	2.33	*3.96
1½ to 2 years.....	19.51	39.02	78.04	156.08	390.20	780.40	7,804	2.67	*4.01
2 to 2½ years.....	19.90	39.80	79.60	159.20	398.00	796.00	7,960	3.00	*4.01
2½ to 3 years.....	20.28	40.56	81.12	162.24	405.00	811.20	8,112	3.16	*4.03
3 to 3½ years.....	20.66	41.32	82.64	165.28	413.20	826.40	8,264	3.26	*4.05
3½ to 4 years.....	21.07	42.14	84.28	168.56	421.40	842.80	8,428	3.36	*4.06
4 to 4½ years.....	21.50	43.00	86.00	172.00	430.00	860.00	8,600	3.45	*4.06
4½ to 5 years.....	21.95	43.90	87.80	175.60	439.00	878.00	8,780	3.53	*4.04
5 to 5½ years.....	22.40	44.80	89.60	179.20	448.00	896.00	8,960	3.59	*4.03
5½ to 6 years.....	22.86	45.72	91.44	182.88	457.20	914.40	9,144	3.64	†4.43

Redemption values and investment yields to maturity on basis of December 1, 1965, revision

6 to 6½ years.....	\$23.33	\$46.66	\$93.32	\$186.64	\$466.60	\$933.20	\$9,332	3.68	4.62
6½ to 7 years.....	23.83	47.66	95.32	190.64	476.60	953.20	9,532	3.72	4.62
7 to 7½ years.....	24.37	48.74	97.48	194.96	487.40	974.80	9,748	3.78	4.68
7½ years to 7 years and 9 months.....	24.93	49.86	99.72	199.44	498.60	997.20	9,972	3.83	4.84
Maturity value (7 years and 9 months from issue date).....	25.23	50.46	100.92	201.84	504.60	1,009.20	10,092	3.87	-----
Period after maturity date	Extended maturity period							(b) to extended maturity	
First ½ year.....	\$25.23	\$50.46	\$100.92	\$201.84	\$504.60	\$1,009.20	\$10,092	3.87	4.15
½ to 1 year.....	25.75	51.50	103.00	206.00	515.00	1,030.00	10,300	3.88	4.15
1 to 1½ years.....	26.29	52.58	105.16	210.32	525.80	1,051.60	10,516	3.90	4.15
1½ to 2 years.....	26.83	53.66	107.32	214.64	536.60	1,073.20	10,732	3.91	4.15
2 to 2½ years.....	27.39	54.78	109.56	219.12	547.80	1,095.60	10,956	3.93	4.15
2½ to 3 years.....	27.95	55.92	111.84	223.68	559.20	1,118.40	11,184	3.94	4.15
3 to 3½ years.....	28.54	57.08	114.16	228.32	570.80	1,141.60	11,416	3.95	4.15
3½ to 4 years.....	29.13	58.26	116.52	233.04	582.60	1,165.20	11,652	3.95	4.15
4 to 4½ years.....	29.74	59.48	118.96	237.92	594.80	1,189.60	11,896	3.96	4.15
4½ to 5 years.....	30.35	60.70	121.40	242.80	607.00	1,214.00	12,140	3.97	4.15
5 to 5½ years.....	30.98	61.96	123.92	247.84	619.60	1,239.20	12,392	3.98	4.16
5½ to 6 years.....	31.62	63.24	126.48	252.96	632.40	1,264.80	12,648	3.98	4.16
6 to 6½ years.....	32.28	64.56	129.12	258.24	645.60	1,291.20	12,912	3.99	4.15
6½ to 7 years.....	32.95	65.90	131.80	263.60	659.00	1,318.00	13,180	4.00	4.15
7 to 7½ years.....	33.63	67.26	134.52	269.04	672.60	1,345.20	13,452	4.00	4.16
7½ to 8 years.....	34.33	68.66	137.32	274.64	686.00	1,373.20	13,732	4.01	4.16
8 to 8½ years.....	35.05	70.10	140.20	280.40	701.00	1,402.00	14,020	4.01	4.15
8½ to 9 years.....	35.77	71.54	143.08	286.16	715.40	1,430.80	14,308	4.01	4.16
9 to 9½ years.....	36.51	73.02	146.04	292.08	730.20	1,460.40	14,604	4.02	4.17
9½ to 10 years.....	37.27	74.54	149.08	298.16	745.40	1,490.80	14,908	4.02	4.19
Extended maturity value (10 years from original maturity date) <sup>2</sup> .....	38.05	76.10	152.20	304.40	761.00	1,522.00	15,220	4.03	-----

<sup>1</sup>Yield from beginning of each half-year period to maturity at original maturity value prior to the Dec. 1, 1965, revision.

<sup>2</sup>Yield from effective date of the Dec. 1, 1965, revision to maturity date.

<sup>3</sup>3 month period in the case of the 7½ year to 7 year and 9 month period.

<sup>4</sup>17 years and 9 months from issue date.

[F.R. Doc. 68-2751; Filed, Mar. 6, 1968; 8:45 a.m.]

**Chapter IV—Secret Service, Department of the Treasury**  
**REVISION OF REGULATIONS**

Chapter IV of Title 31 of the Code of Federal Regulations is revised to read as follows:

**Part**

- 401 Seizure and forfeiture of vessels, vehicles, and aircraft used to transport counterfeit coins, obligations, securities, and paraphernalia.
- 402 Reproduction of canceled U.S. Internal Revenue Stamps.
- 403 Authorization of all banks, U.S. Post Offices, and disbursing officers of the United States and their agents to deliver to the Treasury Department counterfeit obligations and other securities and coins of the United States or of any foreign government.
- 405 Illustration of Savings Bonds and Stamps.
- 406 Seizure and forfeiture of gold for violations of Gold Reserve Act of 1934 and Gold Regulations.

**PART 401—SEIZURE AND FORFEITURE OF VESSELS, VEHICLES AND AIRCRAFT USED TO TRANSPORT COUNTERFEIT COINS, OBLIGATIONS, SECURITIES, AND PARAPHERNALIA**

- Sec. 401.1 Secret Service agents authorized to make seizures.
- 401.2 Custody.
- 401.3 Authority of District Directors of Customs to hold in custody.
- 401.4 Duties of Bureau of Customs.
- 401.5 Disposition.

**AUTHORITY:** The provisions of this Part 401 issued under sec. 8, 53 Stat. 1293; 49 U.S.C. 788, except as otherwise noted.

**§ 401.1 Secret Service agents authorized to make seizures.**

All officers of the U.S. Secret Service engaged in the enforcement of counterfeiting laws are hereby authorized and designated to seize such vessels, vehicles, and aircraft as may be subject to seizure because of violations of the said act of August 9, 1939, pertaining to contraband articles referred to in section 1 (b) (3) of said act.

**§ 401.2 Custody.**

Each vessel, vehicle, or aircraft seized pursuant to the said act of August 9, 1939, and the regulations in this part shall forthwith be placed by the seizing officer in the custody of the District Director of Customs for the customs district in which such seizure is made. Such placing in custody shall be effected by immediate notification of the appropriate District Director of Customs of the seizure, together with a statement of the facts including a description of the vessel, vehicle, or aircraft, and the holding by the seizing officer of such vessel, vehicle, or aircraft subject to the instructions of the said district director of customs.

**§ 401.3 Authority of District Directors of Customs to hold in custody.**

District Directors of Customs are hereby authorized and designated to hold

in custody awaiting appropriate disposition vessels, vehicles, and aircraft seized pursuant to the said act of August 9, 1939, and the regulations in this part.

**§ 401.4 Duties of Bureau of Customs.**

With respect to every vessel, vehicle, and aircraft seized and placed in the custody of a district director of customs pursuant to the said act of August 9, 1939, and the regulations in this part, the appropriate officials of the Bureau of Customs are hereby authorized and designated as the officers who shall perform such administrative duties in connection with—

- (a) The summary and judicial forfeiture and condemnation of such vessel, vehicle, or aircraft;
- (b) The disposition of such vessel, vehicle, or aircraft or the proceeds from the sale thereof;
- (c) The remission or mitigation of the forfeiture of such vessel, vehicle, or aircraft; and
- (d) The compromise of claims and the award of compensation to informers in respect to such vessel, vehicle, or aircraft;

as may be necessary and proper by virtue of the provisions of said act of August 9, 1939, and by virtue of the provisions of the customs laws which the said act makes applicable in connection with seizures and forfeitures incurred or alleged to have been incurred under the said act and the regulations in this part. In the performance of said administrative duties the said appropriate officials of the Bureau of Customs shall be governed by the procedures established by the customs regulations, insofar as such procedures are applicable and not inconsistent with the provisions of the said act of August 9, 1939, and the regulations in this part. Powers of the character of those exercised by the Secretary of the Treasury and Commissioner of Customs in connection with the remission or mitigation of forfeitures under the customs laws and in connection with the compromise of claims and the award of compensation to informers under the customs laws shall be exercised by the Secretary of the Treasury in connection with the remission or mitigation of forfeitures under the said act of August 9, 1939, and in connection with the compromise of claims and the award of compensation to informers under the said act.

**§ 401.5 Disposition.**

With respect to each vessel, vehicle, and aircraft seized pursuant to the said act of August 9, 1939, and the regulations in this part, the Director of the Secret Service shall promptly notify the Administrator of the General Services Administration and the Commissioner of Customs whether the Secret Service desires to have such vessel, vehicle, or aircraft for its official use. When forfeiture of any vessel, vehicle, or aircraft has been perfected otherwise than by court decree, the district director holding in custody such vessel, vehicle, or aircraft shall; (a) either return the same to the Secret Service if the Director of the Secret Service has requested it for the official use

of the Secret Service (b) or, if the Secret Service does not desire such vessel, vehicle, or aircraft for its official use, hold such vessel, vehicle, or aircraft subject to the instructions of the Administrator of the General Services Administration.

(Secs. 301-308, 49 Stat. 879-880; 40 U.S.C. 304f-304m)

**PART 402—REPRODUCTION OF CANCELED UNITED STATES INTERNAL REVENUE STAMPS**

**§ 402.1 Reproductions authorized.**

Authority is hereby given to make, hold, and dispose of black and white reproductions of canceled U.S. internal revenue stamps: *Provided*, That such reproductions are made, held and disposed of as part of and in connection with the making, holding, and disposition, for lawful purposes, of the reproductions of the documents to which such stamps are attached.

(Secs. 474, 492, 62 Stat. 706, 710; 18 U.S.C. 474, 492)

**PART 403—AUTHORIZATION OF ALL BANKS, U.S. POST OFFICES, AND DISBURSING OFFICERS OF THE UNITED STATES AND THEIR AGENTS TO DELIVER TO THE TREASURY DEPARTMENT COUNTERFEIT OBLIGATIONS AND OTHER SECURITIES AND COINS OF THE UNITED STATES OR OF ANY FOREIGN GOVERNMENT**

**§ 403.1 Delivery of counterfeit obligations and other securities and coins authorized.**

Authority is hereby given to all banks and banking institutions of any nature whatsoever organized under general or special Federal or State statutes, to all U.S. Post Offices, and to all disbursing officers of the United States and their agents, to take possession of and deliver to the Treasury Department through the Secret Service all counterfeit obligations and other securities and coins of the United States or of any foreign government which shall be presented at their places of business.

(Sec. 492, 62 Stat. 710; 18 U.S.C. 492)

**PART 405—ILLUSTRATION OF SAVINGS BONDS AND STAMPS**

**§ 405.1 Illustrations authorized.**

(a) Authority is hereby given to make, hold, dispose of and use illustrations of Savings Bonds and Savings Stamps for publicity purposes in connection with the campaign for the sale of Savings Bonds and Stamps: *Provided*, That illustrations of stamps are of a size less than three-quarters or more than one and one-half, in linear dimension, of each part of such stamp.

(b) The making of any reproduction of a Savings Bond or Stamp in any manner or in any form other than as provided in this part is not permitted.

(Sec. 474, 62 Stat. 706; 18 U.S.C. 474)

## PART 406—SEIZURE AND FORFEITURE OF GOLD FOR VIOLATIONS OF GOLD RESERVE ACT OF 1934 AND GOLD REGULATIONS

- Sec.
- 406.1 Secret Service officers authorized to make seizures of gold.
- 406.2 Custody of seized gold valued not in excess of \$2,500.
- 406.3 Forfeiture of gold valued not in excess of \$2,500.
- 406.4 Duties of customs officers.
- 406.5 Forfeiture of gold valued in excess of \$2,500.

**AUTHORITY:** The provisions of this Part 406 issued under R.S. 161, as amended, sec. 4, 48 Stat. 340; 5 U.S.C. 22, 31 U.S.C. 443.

### § 406.1 Secret Service officers authorized to make seizures of gold.

All agents of the U.S. Secret Service, in addition to officers of the customs, are hereby authorized and designated to seize any gold which may be subject to forfeiture for violations of the Gold Reserve Act of 1934 (31 U.S.C. 440-445) and the Gold Regulations.

### § 406.2 Custody of seized gold valued not in excess of \$2,500.

Any gold, the value of which does not exceed \$2,500, seized by officers of the Secret Service pursuant to the Gold Reserve Act of 1934 and the Gold Regulations, if not needed as evidence or for further investigation by the Secret Service, shall be placed forthwith by the seizing officer in the custody of the district director of customs for the customs district in which such seizure is made. Such gold shall be accompanied by a report from the Secret Service showing the basis of the seizure and a citation to each of the statutes and sections of the Gold Regulations violated.

### § 406.3 Forfeiture of gold valued not in excess of \$2,500.

The district director of customs receiving custody of gold seized by the Secret Service, shall, if no petition is filed for the remission of mitigation of the forfeiture incurred, institute summary forfeiture proceedings in the judicial district in which such seizure is made under the appropriate provisions of the law and Customs Regulations applicable to the forfeiture of merchandise imported contrary to law.

### § 406.4 Duties of customs officers.

The appropriate officials of the Bureau of Customs are hereby authorized and designated as the officers who shall perform such administrative duties in connection with the summary forfeiture of gold seized by the Secret Service, the sale or other disposition of such gold, and the remission or mitigation of the forfeiture of such gold, as may be necessary or proper by virtue of the provisions of the Gold Reserve Act of 1934 and the Gold Regulations, and by virtue of the provisions of the customs laws which the said Gold Reserve Act makes applicable in connection with the seizures and forfeitures incurred or alleged to have been incurred under the said act and regulations. In the performance of said admin-

istrative duties the appropriate officials of the Bureau of Customs shall be governed by the procedures established by the Customs Regulations insofar as such procedures are applicable and not inconsistent with the provisions of the Gold Reserve Act of 1934 and the Gold Regulations.

### § 406.5 Forfeiture of gold valued in excess of \$2,500.

When the value of the gold seized by the Secret Service exceeds \$2,500, the seizing officer shall furnish a report, approved by the principal local officer, to the U.S. attorney, and shall include in such report a statement of all the facts and circumstances of the case, together with the names of the witnesses and a citation to each of the statutes and sections of the Gold Regulations believed to have been violated and on which reliance may be had for forfeiture.

[SEAL] JAMES J. ROWLEY,  
Director, U.S. Secret Service.

[F.R. Doc. 68-2874; Filed, Mar. 6, 1968; 8:50 a.m.]

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 17683; FCC 68-236]

### PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

### PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

#### Operation of Low-Power Broadcast Auxiliary Stations

**Report and order.** In the matter of amendment of Parts 2 and 74 of the Commission rules and regulations to permit the operation of low-power broadcast auxiliary stations in the 942-952 Mc/s aural broadcast STL band; Docket No. 17683, RM-993.

1. On August 25, 1967, the Commission issued a notice of proposed rule making in the above-entitled matter proposing to provide for the licensing of low-power broadcast auxiliary stations in the 942-952 Mc/s band for the purpose of providing short range voice communication as well as certain functional signals necessary for the operation of portable TV cameras. Interested parties were invited to submit comments on or before October 3, 1967, and any replies thereto on or before October 13, 1967.

2. Comments were filed by Columbia Broadcasting System, Inc. (CBS), American Broadcasting Companies, Inc. (ABC), National Broadcasting Co., Inc. (NBC), and Moseley Associates, Inc. (Moseley). All of the comments supported the proposed provision. CBS expressed the hope that a similar provision would be extended to higher powered broadcast auxiliaries operating in other

remote broadcast pickup bands. ABC recited the advantages that will be gained by adoption of the proposed provision and suggested a minor editorial change in the proposed rules. NBC referred to on-the-air tests it had conducted with such a device operating on 950 MHz which showed that the hazard of harmful interference to the aural broadcast STL service which operates in the 942-952 Mc/s band, appears slight.

3. Moseley suggested that the rules should provide for the direct measurement of power output of low power devices operating under the proposed rules. In support thereof, Moseley notes that in the present state-of-the-art, solid-state devices are widely used and that measurement of the d.c. power input to the plate of the final radio frequency amplifier is not applicable in many cases. Even an interpretation that the term "plate" applies to the collector of a transistor will not yield meaningful results. The "final stage" of some equipment employs a parametric multiplying diode (varactor) which does not require any d.c. power input. Furthermore, the "gain" of a varactor is substantially less than unity and d.c. power input to the preceding radio frequency amplifier as a measure of "power" would not be a true indicator of the actual power output of the device. Finally, Moseley claims that the relatively small physical size of low-power broadcast auxiliary equipment makes d.c. power measurements cumbersome.

4. There is merit in the suggestions of Moseley. Present rules regarding power measurements are based on vacuum tube technology. Where vacuum tubes are employed it is possible to estimate the approximate power output of a transmitter by measuring the d.c. power input to the final radiofrequency amplifier. The simplicity of such measurements made this method attractive. Measurements of radiofrequency power output require more sophisticated apparatus. Adherence to the indirect method of measurement for transmitters employing solid-state devices would impart a vagueness to the rule and in some cases would penalize manufacturers using advanced technology. Specifying the limit on power in terms of radiofrequency power output would accomplish the objective of the Commission to minimize the hazard of harmful interference to aural broadcast STL stations and other services and permit extensive sharing of the band by low-power devices, by limiting the range of the signals. The rules do not require licensees of these low power devices to actually measure the power so no special measuring equipment need be purchased. It should be noted, however, that it is the responsibility of the licensee to stay within the power limit specified. In the light of these considerations, the language of § 74.437(g) has been modified to specify the power limit in terms of transmitter power output.

5. Accordingly, pursuant to the authority contained in sections 4(i) and 303 (c) of the Communications Act of 1934, as amended: *It is ordered*, That, effective

April 8, 1968, Parts 2 and 74 of the Commission rules and regulations are amended, as set forth below.

6. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: February 28, 1968.

Released: March 4, 1968.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
*Secretary.*

§ 2.106 [Amended]

1. The Table of Allocations in § 2.106 of the Commission rules is amended by inserting footnote designator NG58 in column 7 opposite the band 942-952 Mc/s and adding the following footnote at the appropriate place:

NG58 Low-power broadcast auxiliary stations licensed pursuant to the provisions of § 74.437 of this chapter may be authorized to operate in the band 942-952 Mc/s subject to the condition that no harmful interference is caused to stations operating in accordance with the Table of Frequency Allocations.

2. Section 74.437 (a), (c), (e), and (g) is amended to read as follows:

§ 74.437 Special rules relating to low-power broadcast auxiliary stations.

(a) The devices which will be licensed under this section are those which are normally intended to transmit over distances not in excess of a few hundred feet and will fall into two general categories: Cue and control signal transmitters and wireless microphones. Paragraphs (b) to (j) of this section will govern the licensing of such devices.

(c) The license of a low-power broadcast auxiliary station authorizes the transmission of cues and orders to production personnel and participants in broadcast programs and in the preparation therefor, the transmission of program material by means of a wireless microphone worn by a performer or other participant in a program during rehearsal and during the actual broadcast, or the transmission of comments, interviews, and reports from the scene of a remote broadcast. Low-power broadcast auxiliary stations operating in the 942-952 Mc/s band may in addition, transmit synchronizing signals and various control signals to portable or hand-carried TV cameras which employ low-power radio signals in lieu of cables to deliver picture signals to the control point at the scene of a remote broadcast. All transmissions shall be intended for reception at a receiving point within the same studio, building, stadium, or similar limited indoor or outdoor area or at the location of a nearby remote pickup broadcast mobile station where they will be relayed to a broadcasting station for simultaneous or delayed broadcast.

(e) The operation of low power broadcast auxiliary stations will be authorized only in the bands 26.10-26.48 Mc/s, 450-451 Mc/s and 942-952 Mc/s. Transmitting units may be operated on any frequency within the band of frequencies for which the station is licensed: *Provided*, That the emissions are confined to the authorized band. Transmitting units are not required to maintain a constancy of frequency beyond that necessary to insure compliance with the requirements of this paragraph. The emission bandwidth shall not be greater than that necessary for satisfactory transmission.

(g) The power of the unmodulated carrier at the transmitter output terminals shall not exceed 1 watt. If amplitude modulation is employed, regardless of the characteristics of the modulating signals, the instantaneous peak voltage of the radio frequency carrier shall not exceed a value of twice the unmodulated carrier peak voltage. Licensees may accept the manufacturers power rating. However, it is the licensees responsibility to observe the power limits specified herein. Unusual transmitting antennas or antenna elevations shall not be used to deliberately extend the range of low power broadcast auxiliary stations beyond the limited areas defined in paragraph (c) of this section. All operation of low power broadcast auxiliary stations is subject to the condition that no harmful interference is caused to remote pickup broadcast base and mobile stations, aural broadcast STL and intercity relay stations, international aeronautical fixed stations, or international fixed public stations. Licensees are expected to take reasonable precautions before commencing operation, by monitoring or predetermination of channel occupancy, to insure that harmful interference will not be caused.

[F.R. Doc. 68-2824; Filed, Mar. 6, 1968; 8:48 a.m.]

Title 50—WILDLIFE AND  
FISHERIES

Chapter I—Bureau of Sport Fisheries  
and Wildlife, Fish and Wildlife  
Service, Department of the Interior

PART 33—SPORT FISHING

Great Meadows National Wildlife  
Refuge, Mass.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MASSACHUSETTS

GREAT MEADOWS NATIONAL WILDLIFE REFUGE

Sport fishing and entrance on foot for this purpose are permitted on the Great

Meadows National Wildlife Refuge, Concord, Mass.

These open areas are delineated on maps available at Refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern sport fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1968.

THOMAS A. SCHRADER,  
*Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

FEBRUARY 23, 1968.

[F.R. Doc. 68-2801; Filed, Mar. 6, 1968; 8:46 a.m.]

PART 33—SPORT FISHING

Arrowwood National Wildlife  
Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Sport fishing on the Arrowwood National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 1,550 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge shall extend from May 4, 1968, to September 15, 1968, daylight hours only.

(2) The use of boats with motors is prohibited.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 15, 1968.

ARNOLD D. KRUSE,  
*Refuge Manager, Arrowwood National Wildlife Refuge, Edmunds, N. Dak.*

FEBRUARY 28, 1968.

[F.R. Doc. 68-2817; Filed, Mar. 6, 1968; 8:47 a.m.]

<sup>1</sup> Commissioner Cox concurring in the result; Commissioner Loevinger absent.

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY      DEPARTMENT OF AGRICULTURE

Bureau of Customs

[ 19 CFR Part 25 ]

CUSTOMS BONDS

### Extension of Time for Production of Missing Documents

Section 25.18(a) of the Customs Regulations (19 CFR 25.18(a)) provides for extending the 6-month period prescribed for the production of a document, other than an invoice, for which a bond or stipulation is given. Extensions for periods of 6 months each are permitted in the discretion of the district director of customs providing the period for the production of such document is not extended beyond 2 years from the date of the transaction.

It has been decided that the total extension period permissible is excessive considering the availability of modern-day communication facilities. Therefore, notice is hereby given that under the authority of sections 623, 624, 484 of the Tariff Act of 1930, as amended (19 U.S.C. 1623, 1624, 1484), it is proposed to amend § 25.18(a) of the Customs Regulations (19 CFR 25.18(a)) to permit only one 2-month extension of the 6-month period provided for the production of missing documents (other than an invoice). The proposed amendment in tentative form is as follows:

#### § 25.18 Extensions of periods for compliance with requirements of bonds and stipulations.

(a) If a document (other than an invoice) referred to in § 25.18(c) is not produced within 6 months from the date of the transaction in connection with which the bond or stipulation was given, the district director of customs, upon written application of the importer, in his discretion, may extend the period for one further period of 2 months.

\* \* \* \* \*

Prior to final action on the proposal, consideration will be given to relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 60 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL]      LESTER D. JOHNSON,  
Commissioner of Customs.

Approved: February 28, 1968.

FRED B. SMITH,  
General Counsel  
of the Treasury.

[F.R. Doc. 68-2838; Filed, Mar. 6, 1968;  
8:49 a.m.]

Agricultural Research Service

[ 9 CFR Part 51 ]

### CATTLE DESTROYED BECAUSE OF BRUCELLOSIS (BANG'S DISEASE), TUBERCULOSIS, OR PARATUBERCULOSIS

#### Payment of Indemnity Claims

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C., section 553, that the Department of Agriculture is considering the amendment of the regulations relating to cattle destroyed because of brucellosis (Bang's Disease), tuberculosis, or paratuberculosis (9 CFR 51) pursuant to the provisions of sections 3 and 11 of the Act of May 29, 1884, as amended (21 U.S.C. 114, 114a), and section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111) in the following respects:

1. Section 51.2 would be amended to read as follows:

#### § 51.2 Payment to owners for cattle destroyed.

(a) *Brucellosis.* Owners of cattle which are destroyed because of brucellosis may be paid an indemnity by the Department for each animal so destroyed not to exceed \$25 for any grade animal or \$50 for any purebred animal<sup>1</sup> except in Alaska, Hawaii, Puerto Rico, and the Virgin Islands where no payment for any animal destroyed shall exceed \$50. Appraisals and reports of salvage are not required. Proof of slaughter is required. Postmortem reports will be accepted as proof of slaughter.

(b) *Tuberculosis and paratuberculosis.* Owners of cattle which are destroyed because of tuberculosis and paratuberculosis may be paid an indemnity by the Department for each animal so destroyed not to exceed \$25 for any grade animal or \$50 for any purebred animal<sup>1</sup> except in Alaska, Hawaii, Puerto Rico, and the Virgin Islands where no payment for any animal destroyed shall exceed \$50: *Provided, however,* That no such payment shall exceed the amount paid or to be paid by the State where the animal was condemned. Appraisals and reports of salvage are not required. Proof of slaughter is required. Postmortem reports will be accepted as proof of slaughter.

<sup>1</sup> Cattle presented for payment as purebred shall be accompanied by their registration papers, or shall be paid for as grades: *Provided, however,* That if the registration papers are temporarily not available or if the cattle are less than 3 years old and unregistered, the appropriate Veterinarian in Charge may grant a reasonable time for the presentation of their registration papers.

(c) *Tuberculosis.* The Director of Division may authorize the payment of indemnity to owners of cattle which are destroyed because of tuberculosis not to exceed \$100 for any grade animal or \$200 for any purebred animal which has been found to be exposed, is a part of a known infected herd and it has been determined by the Director of Division that the destruction of all the cattle in the herd will contribute to the tuberculosis eradication program: *Provided,* That the joint State-Federal indemnity payments, plus salvage does not exceed the appraised value of the animals: *And provided, further,* That no such payment shall exceed the amount paid or to be paid by the State where the animals were condemned.

#### § 51.3 [Amended]

2. Section 51.3 would be amended by deleting the term "TE Form 33-A" and substituting therefor "ANH Form 4-33", and by deleting the term "TE Form 20-B" and substituting therefor "ANH Form 6-22".

3. Section 51.4 would be amended to read as follows:

#### § 51.4 Appraisals.

Cattle to be destroyed because of tuberculosis under § 51.2(c) shall be appraised by a Division or State representative. When thus appraised, due consideration shall be given to their breeding value as well as to their dairy or meat value. Cattle presented for appraisal as purebred shall be accompanied by their registration papers at the time of the appraisal or they shall be appraised as grade cattle: *Provided, however,* That if registration papers are temporarily not available or if the cattle are less than 3 years old and unregistered, the appropriate Veterinarian in Charge may grant a reasonable time for the presentation of their registration papers to the appraiser or to the Veterinarian in Charge. The one receiving the papers shall be responsible for their verification. The Division may decline to accept any appraisal that appears to be unreasonable or out of proportion to the market value of cattle of like quality.

#### § 51.7 [Amended]

4. Section 51.7 would be amended by deleting the words "this part" in the first sentence and substituting therefor "§ 51.2(c)"; and by deleting the term "TE Form 24" wherever it appears and substituting therefor "ANH Form 1-24".

5. Section 51.8 would be amended to read as follows:

#### § 51.8 Claims for indemnity.

Claims for indemnity for cattle destroyed because of brucellosis, tuberculosis or paratuberculosis shall be presented on ANH Form 1-23 on which the

owner of the cattle shall certify that the animals covered thereby are, or are not, subject to any mortgage as defined in this part. If the owner states there is a mortgage, ANH Form 1-23 shall be signed by the owner and by each person holding a mortgage on the animals, consenting to the payment of any indemnity allowed to the person specified thereon. Payment will be made only if ANH Form 1-23 has been approved by a proper State official and if payment of the claim has been recommended by the appropriate Veterinarian in Charge or an official designated by him. On claims for indemnity made under the provisions of § 51.2(c), the Veterinarian in Charge or official designated by him shall record on the ANH Form 1-23 the salvage value of the cattle destroyed and the amount of Federal and State indemnity payments that appears to be due to the owner of the cattle. The owner of the cattle shall be furnished a copy of ANH Form 1-23. The Veterinarian in Charge or official designated by him shall then forward ANH Form 1-23 to the appropriate official for further action on the claim.

6. Paragraphs (d), (h), (i), and (j) of § 51.9 would be amended to read as follows:

§ 51.9 Claims not allowed.

(d) If the cattle are classified as affected with tuberculosis or paratuberculosis or brucellosis unless such cattle (1) reacted to the tuberculin or johnin test or revealed lesions of either disease upon autopsy or (2) reacted to the agglutination or other test for brucellosis approved by the Director of Division or (3) are found to be exposed, are part of a known infected herd, and it has been determined by the Director of Division that destruction of the cattle will contribute to the tuberculosis or paratuberculosis or brucellosis eradication program: *Provided*, That in the case of cattle classified as affected with tuberculosis under subparagraph (3) of this paragraph, all such cattle shall be moved direct to slaughter from the premises where exposed.

(h) If any part of the claimant's herd has not been tested under Division and State supervision for the eradication of the particular disease for which the animals covered by the indemnity claim were condemned. For the purpose of this paragraph, a herd means a group of animals required to be tested in accordance with the provisions of the appropriate Uniform Methods and Rules for the specific disease, which rules and methods were adopted by the U.S. Livestock Sanitary Association and approved by the Animal Health Division.

(i) If all structures, holding facilities or materials on premises occupied by or used by cattle that were destroyed or which have been infected or exposed have not been properly cleaned and disinfected, with a disinfectant permitted by the Division in accordance with rec-

ommendations of the proper State and Division official, within 15 days from the date reactors were removed from the premises, except that the appropriate Veterinarian in Charge, for reasons satisfactory to him, may extend the period beyond 15 days, and except that premises may be exempted from such cleaning and disinfecting requirements when the appropriate Veterinarian in Charge determines that there are no buildings, holding facilities or other materials on the premises that would require such disinfection.

(j) If the cattle were steers, unless they were work oxen or if they were bulls and were not purebred, unless they are part of a herd known to be affected with tuberculosis that is being destroyed under the provisions of § 51.2(c).

(Secs. 3-5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 11, 58 Stat. 734, as amended; 21 U.S.C. 111, 112, 113, 114, 114a, 120, 125)

The foregoing amendments would (1) delegate full authority to the Veterinarian in Charge to grant, for reasons satisfactory to him, any extension of time believed necessary to enable owners of cattle affected with or exposed to brucellosis, tuberculosis, or paratuberculosis, to comply with the requirements of § 51.9(i) of this part; (2) authorize the payment of a flat rate indemnity without appraisal and salvage reports for cattle which react to the brucellosis, tuberculosis, or paratuberculosis test; (3) limit indemnity payments on cattle exposed to tuberculosis or paratuberculosis to an amount not exceeding that paid by the State where the animals were condemned when such cattle are a part of a known infected herd—such limitation previously applied only to tuberculosis or paratuberculosis reactors; and (4) make certain other changes relating to forms and language to clarify the purpose and intent of the regulations.

The purpose of the proposed amendments is to facilitate the payment of certain indemnity claims for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Maryland 20782, within 45 days after publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 1st day of March 1968.

R. J. ANDERSON,  
Acting Administrator,  
Agricultural Research Service.

[F.R. Doc. 68-2840; Filed, Mar. 6, 1968; 8:49 a.m.]

Consumer and Marketing Service

[7 CFR Part 1040]

[Docket No. AO-225-A19]

MILK IN SOUTHERN MICHIGAN MARKETING AREA

Revised Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this revised recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Southern Michigan marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

*Preliminary statement.* The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Lansing, Mich., on May 17-19, 1967, pursuant to notice thereof which was issued May 9, 1967 (32 F.R. 7182).

The material issues of the record of the hearing relate to:

1. Revision of location differentials, including the direct-delivery differential.
2. Deletion of a portion of Allegan County from the marketing area.
3. Revision of the definition of "fluid milk product".
4. Reclassification of inventory.
5. Modification of Class I prices:
  - (a) Level of Class I price, supply-demand adjustor and Class I price differential; and
  - (b) Class I price for milk distributed in another Federal order area.
6. Revision of the Class II price formula, including a separate price for skim milk used to produce cottage cheese.

A recommended decision on issues (1) and (2) above was issued October 10, 1967 (32 F.R. 14227) for industry exceptions. Exceptions to such decision were filed by a number of interested parties on or before October 25, 1967. In light of the exceptions, it was decided to complete the findings and conclusions on the issues (4) through (6) prior to issuance of a final decision on any of the issues.

This revised decision sets forth in detail the findings and conclusions on issues (4) through (6) above. Except for the two paragraphs of issue 1(b) Location-differentials (including direct-delivery differential), 32 F.R. 14230-14231 (beginning with "The 4-cent direct delivery \* \* \*" and ending with "allocation of supplies for fluid use."), and amendment No. 2 (Re: § 1040.51 Class I milk price), 32 F.R. 14231, October 13, 1967, all the findings and conclusions and proposed order provisions relating to issues (1) and (2) as set forth in the prior recommended decision are made a part of this revised decision by this reference thereto. Such findings and conclusions will be set forth in full in any final decision on the several issues. The two paragraphs and order amendment No. 2, referred to which are not included here are no longer applicable in view of the further findings and conclusions on the other issues set forth herein below.

Exceptions already filed on issues (1) and (2) remain under consideration and need not be submitted again.

Action is deferred in this decision on issue No. 3, with respect to the definition of "fluid milk product." This is because proposals relating to the appropriate classification of various fluid milk products and filled milk under all Federal orders are under consideration in connection with the hearing on "filled milk" and related products which convened on February 19, 1968, at Memphis, Tenn.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

4. *Inventories.* The order should provide that inventories of fluid milk products on hand at the end of the month should be classified as Class III milk if in bulk, and Class I if packaged, pending possible reclassification in the following month.

Handlers have inventories of milk and fluid milk products at the beginning and end of each month which must enter into the monthly accounting for receipts and utilization at the plant. Inventories of fluid milk products on hand in pool plants at the end of the month presently are classified as Class II at all such plants whether in bulk or packaged. Beginning of the month inventories of fluid milk products are allocated to Class I when current month receipts of producer milk are less than Class I utilization. When such inventories are allocated to Class I, the handler pays the difference between the Class I price for the current month and the Class II price for the previous month. The volume on which this charge is made may not exceed, however, the volume for which producers were paid at the Class II price in the previous month.

The accounting procedure can be facilitated by providing that inventories of bulk fluid milk products on hand at the end of the month be classified as Class III milk. The proposed establishment of a new Class III to include all milk presently included in Class II ex-

cept milk used to produce cottage cheese is fully discussed in subsequent findings. In the following month inventories in bulk would be subtracted, under the allocation procedure, from any available Class III milk. Any excess over available Class III milk then should be subtracted from Class II milk and Class I milk, in sequence. The higher-use value as Class I thus indicated should be reflected in returns to producers in that month. This would be at the rate of the difference between the Class III price in the first month and the Class I price in the second month. Similarly, a rate of the difference between the Class III price in the first month and the Class II price in the second would apply for the excess subtracted from Class II milk.

Fluid milk products on hand in packaged form at the end of the month should be classified as Class I milk. This classification conforms with the ultimate utilization of most of the packaged fluid milk products in inventory. This results in fewer adjustments in classification and handlers' obligations than if classified in Class III as in the case of bulk milk.

To insure that all handlers pay the current month's Class I milk price for fluid milk disposed of during the month, it is provided that, if the Class I milk price increases over the previous month, the handler will be charged the difference between the Class I milk price for the current month and the Class I milk price for the preceding month on the quantity of ending inventory assigned to Class I milk in the preceding month. Likewise, if the Class I milk price decreases, the handler will receive a corresponding credit.

The allocation section of the order should provide that inventories of such packaged fluid milk products on hand at the beginning of the month be subtracted from Class I milk utilization immediately after the allocation of shrinkage and packaged fluid milk products from other orders and before making the order assignments therein provided.

Since the disposition of skim milk and butterfat in nonfluid milk products has been accounted for as Class III use when used to produce a manufactured dairy product, such skim milk and butterfat should not be included in inventory.

Inventories of fluid milk products and Class III products on hand at the beginning of the first month in which this amendment becomes effective or during any month in which a plant becomes regulated for the first time should be allocated to any available Class III utilization of the plant during the month. This procedure will preserve the priority of assignment to current receipts of producer milk of the current Class I utilization of the plant.

One handler objected to the proposal to include all inventory variations in Class I milk on the basis that the month-to-month changes in Class I price could increase his cost of Class I milk. This objection is obviated by the inclusion of the provision referred to above which would insure that all handlers will pay the current month's Class I price for

packaged fluid milk products disposed of during the month. It is provided that if the Class I price should increase over the previous month, the handler will be charged the difference between the Class I price for the current month and the Class I price for the preceding month on the quantity of end-of-the-month inventory thereof which is less than the quantity of inventory on hand at the beginning of the month. Likewise, if the Class I price decreases, the handler correspondingly will receive a credit. The revised method of handling inventory should not modify significantly over time the handler's final obligations for milk as classified.

5. *Class I price.* The supply-demand adjustment formula should be deleted from the Class I pricing provisions.

A cooperative association representing a majority of producers on the market expressed opposition to continuation of the supply-demand adjustor in the order. The association's opposition was based on what it described as erratic adjustments under the formula and to the lack of any practical effect of the supply-demand adjustments on supply levels in the presence of premium price arrangements in the market over the past several years. Two other cooperative associations supported this position.

One handler made a similar proposal for similar reasons. In further support of his position he stated that the supply-demand adjustments at times have contributed to undue price misalignment of Class I prices among Federal order markets.

Several cooperative associations (including the cooperatives which opposed continuation of the supply-demand adjustor) and certain handlers proposed certain revisions in the supply-demand adjustment formula in the event the formula was retained in the order. However, since it is concluded that the provision should be eliminated from the order, the application of such proposed changes need not be discussed.

In order for a supply-demand adjustor to operate in an appropriate or beneficial way, it must have a significant influence on the effective Class I price level. In a situation where substantial premiums have persisted for a considerable period the premium price is the one which influences the supply-sales balance rather than the supply-demand adjustor price.

The purpose of the supply-demand adjustor is to achieve—by the timely changes it makes in the Class I prices—an appropriate supply-sales balance. If the Class I prices which result from the supply-demand adjustor are not in fact the effective prices, obviously the supply-demand adjustor is not influencing the supply-sales balance. Hence, in a situation where substantial premiums are effective and where they persist for considerable periods, the supply-demand adjustor is nullified as a price-making factor.

When a supply-demand adjustor is rendered ineffective by the existence of

substantial premiums, the adjuster becomes a disruptive factor wherever milk is sold at the minimum order prices. Where premiums are effective the supply-demand adjuster is not only rendered inconsequential but it usually results in prices below those which it would provide if it were effective.

For example, if a 20-cent premium is instituted in a market it may attract an increase in supply relative to sales which would normally call for a minus-20-cents supply-demand adjuster. But when the minus-20-cents is applied to the minimum order price, such price may be too low to maintain an adequate supply.

Usually, premium prices apply only within specified areas or regions. Milk sold outside these areas or regions is sold at order minimums. When the supply-demand adjuster gives too low a price, milk sold at minimum order prices disrupts marketing and price conditions in any area where it is disposed of.

It is necessary, therefore, to eliminate the supply-demand adjuster in this market where the persistence of substantial premiums over a long period of time has caused it to result in inappropriate Class I prices.

A further question on Class I pricing remains, that is, whether revision of the stated Class I differential also is appropriate at this time. The cooperative association which represents the majority of the producers in the market and two others offered a proposal that the Class I price differential stated in the order be increased to \$2.10. Other cooperatives also proposed increases in the Class I differential.

Concerning these proposals cooperatives maintained that additional income to producers through higher Class I prices is needed. They contended that increased labor costs and higher returns in alternative enterprises present a threat to an adequate supply of milk for the market.

It was their position also that the present Class I price formula (including the present supply-demand adjustment) doesn't properly align Class I prices between this market and Ohio Federal order markets. Further, that the present order Class I price provisions fail to recognize either the distance from areas of alternative supply or the respective market utilizations of this order and certain Ohio order markets.

They pointed out that in 1966 the Class I price for Southern Michigan of \$4.84 per hundredweight was substantially less than the Class I price for the Greater Cincinnati and Northeastern Ohio Federal markets of \$5.42 and \$5.47, respectively, although market utilizations did not differ greatly. Adoption of a \$2.10 Class I differential in the order would raise the Class I price to about \$6.15 as compared to January 1968 prices of \$5.95 and \$5.85 in such other markets, respectively, official notice of which is taken.

Handlers generally proposed that the stated Class I differential be set at \$1.87 (including the temporary 20-cent in-

crease). They said this differential is necessary to assure a high degree of uniformity among handlers in their cost of milk. In this connection they pointed out that under the premium Class I price structure that has prevailed in this market for a number of years not all handlers have paid the same price for milk in fluid uses since a few handlers have not paid premiums on the same basis as other handlers.

They pointed out that during the period 1962 to 1966 annual average premiums of 82 cents to 95 cents over order Class I prices were paid on about 90 percent of the Class I milk of regulated Southern Michigan handlers. Also, that premiums during certain months have exceeded such annual averages. Handlers proposed that the \$1.87 Class I price differential be used for the further reason that it is the same as the current stated differential (before supply-demand adjustment but including the temporary increase of 20 cents) for the Northeastern Ohio order.

The stated Class I price differential should be retained at the present \$1.40 level (plus the temporary increase of 20 cents for the period through April 1968). The temporary increase of 20 cents applies under all Federal orders and therefore may be ignored for the purpose of any reference herein to intermarket price relationships. It should be noted also that for the period through April 1968 the basic formula price (Minnesota-Wisconsin price) under this and other orders has a "floor" of \$4.05 each month.

Since the basic formula prices in all Federal orders in this region are identical, Class I price differences among markets are limited to differences caused by variations in stated Class I price differentials and supply-demand adjustment formulas for the respective orders which may result in raising or lowering the stated differential. Stated Class I price differentials for orders in this region are generally reflective of the respective transportation costs for moving alternative supplies from the major milk production areas in Minnesota and Wisconsin to these markets.

Comparison is made of the Southern Michigan market using the \$1.40 differential and the effective differentials (after any applicable supply-demand adjustment) under orders in competing markets. The \$1.40 Class I price differential compares with average 1966 order differentials for Northeastern Ohio of \$1.51 and Northwestern Ohio (Toledo) of \$1.37.<sup>1</sup> Similarly, order Class I price differentials<sup>2</sup> in 1967 averaged: for

<sup>1</sup> Not including emergency amendments which increased the Southern Michigan differential an average three cents and the Northwestern Ohio and Northeastern Ohio differentials an average 10 cents in 1966. These amendments established temporary floor prices and, in the latter two markets, also eliminated seasonal price decreases.

<sup>2</sup> Official notice is taken of the statistical announcements of the market administrators for the Northeastern Ohio, Northwestern Ohio, and Southern Michigan markets since the hearing.

Northeastern Ohio, \$1.48 and Northwestern Ohio (Toledo), \$1.31.<sup>3</sup> Under current provisions of the Northeastern Ohio order the effective Class I price differential after supply-demand adjustment cannot be less than \$1.42. Similarly, the Class I price differential for the Northwestern Ohio order cannot be less than \$1.25 (not including the temporary 20-cent increase) because of a price tie to the Northeastern Ohio order.

A Class I differential of \$1.40 should provide an appropriate price alignment with these markets in Ohio where sales of Southern Michigan milk are expanding. A significantly lower differential in the Southern Michigan market not only would not provide adequate minimum price protection for local producers but also could militate against orderly marketing in markets such as Northeastern Ohio and Northwestern Ohio.

The recommended decision for the Chicago "regional" order issued by the Consumer and Marketing Service on December 27, 1967, official notice of which is taken, contains a Class I price differential of \$1 over the basic formula price. A differential of \$1.40 under the Southern Michigan order also provides reasonable alignment with the differential adopted for the recommended Chicago order, after considering transportation costs for the distance (266 miles) between these two major fluid milk markets. In this regard it may be noted also that Northeastern Ohio (Cleveland) is somewhat more distant from the alternative supply area of Wisconsin and Northwestern Ohio is somewhat less distant from such area than is the Southern Michigan market.

The higher price differentials proposed at the hearing would not relate the Southern Michigan minimum order price to the minimum prices in other markets in a meaningful way based upon relative distances from areas where alternative supplies are available. A higher differential therefore would not be appropriate and is denied.

It is concluded that the stated Class I differential should remain at \$1.40.

(b) Class I price for milk distributed in another Federal order area.

The proposal to apply a special Class I price to Southern Michigan order milk sold in another Federal order market should be denied.

A handler proposed that "All Class I milk sold directly or for distribution in another Federal order area by a handler under this area \* \* \* or sold to a handler in another Federal order area for Class I utilization, shall be settled through the pool at the Class I price of the order area in which sold or at the location of the purchasing handler, less a transportation allowance at the rates provided in § 1040.54(a)(2) \* \* \*, but such Class I price shall not be less than the Southern Michigan order price at the point of origin."

<sup>3</sup> Not including an emergency amendment which increased all such differentials by an average of about 20 cents in 1967.

In support it was testified that more nearly equal Class I costs to all handlers in the area in which milk is sold would be provided. Also, that the proposal is a practicable one which would assist particularly the small-volume handlers, and also have the effect of returning to the producers of the milk the full value from its sale. Certain other handlers and cooperative associations supported this proposal, primarily on the basis that a close alignment of Class I prices between markets could be achieved.

In any market, the availability of other order milk and the price and other costs involved in bringing it to the market, are among the factors which must be considered in establishing the proper minimum price needed to insure an adequate supply for the market. It would not be proper to ignore such prices and costs in a competitive market situation.

The proposed pricing scheme could result in a certain portion of the milk being charged to Southern Michigan handlers at a price higher than necessary to obtain an adequate supply for the market. Changes in marketing conditions should be recognized in establishing the appropriate Class I price level. The influx of increased quantities of milk from less expensive sources could be a significant change in conditions. Consequently, for any transferee market with a higher price such pricing plan would obscure the demonstrated availability of alternative supplies from the Southern Michigan market at a lesser price than its own. The proposed pricing technique would not truly reflect supply and demand circumstances in either market.

An appropriate approach to the problem presented is the maintenance of reasonably close alignments of minimum Class I prices among markets, particularly where there is significant resale competition, with due regard for inter-market transportation costs. The Class I price provisions adopted herein should provide such alignment with other markets where Southern Michigan handlers are a factor in distribution.

In view of the above, adoption of the proposal is not warranted.

6. *Milk used for cottage cheese.* The order should be amended to classify skim milk and butterfat used to produce cottage cheese as Class II milk and priced at the present Class II price plus 15 cents. A Class III classification should be established to include all uses of milk now in Class II other than use in cottage cheese. The Class III price would be the same as the present Class II price.

One cooperative association supplying milk to the market proposed that the price for milk used for cottage cheese be fixed at a 20-cent differential over the present Class II price (the lower of the Minnesota-Wisconsin price or a butter-nonfat dry milk formula price). Two other cooperative associations supported this proposal. A fourth cooperative proposed a differential of 26 cents per hundredweight on milk so used.

Proponents pointed out that milk for cottage cheese has an additional value because only milk of the same inspected

quality as is required for fluid milk products may be used in its production in connection with bottling operations. It was contended further that although cottage cheese sales vary to some extent seasonally, it is produced by regulated handlers on a year-round basis, requiring a regular supply of milk. Cottage cheese processed by regulated handlers accounts on the average for nearly 5 percent of all milk under the order. Three of the cooperatives supporting the price increase are large processors of cottage cheese for sale throughout Michigan.

Producer milk disposed of in manufacturing uses should be priced under the order at a level which will result in the orderly marketing of such milk. Within this concept, however, the price level should be that which will provide the highest possible returns to producers. If there is additional value in producer milk for cottage cheese purposes, such value should be reflected in the returns to producers.

About 73 percent of the cottage cheese produced in the State (1966) and about 90 percent of that sold in the marketing area is produced from Southern Michigan pool milk. Thirty percent of the cottage cheese sold in the marketing area is produced by one of the proponent associations. The remaining 27 percent of the cottage cheese produced in the State includes cottage cheese produced from Grade A milk under the Upstate Michigan and Michigan Upper Peninsula orders as well as the Grade A milk purchased by non-regulated plants from Southern Michigan regulated plants at the current order Class II price plus any premiums or handling charges asked. Grade B milk production is rapidly declining in the State and producer milk under the Southern Michigan order is being used increasingly by unregulated processors as a source of supply for cottage cheese production.

There are no other dependable sources of graded milk for this purpose within the normal milkshed area from which producer milk is supplied to the market. In this market handlers choosing not to use producer milk in making cottage cheese would need to import dry cottage cheese curd or nonfat dry milk. In either case, the quality of other source milk would have to be equivalent to that of local producer milk since manufacturing grade milk may not be used for this product in plants handling Grade A milk for bottling.

The only nearby milk of the necessary quality is attached to other fluid markets in Ohio and Indiana and would be available only sporadically. In view of the cost involved in purchasing milk, dry curd or nonfat dry milk from more distant sources, such as Wisconsin or Minnesota, some differential above the level of the Class III price provided herein is reasonable to reflect the factors of milk quality and transportation cost involved. The Class III price (present Class II price) for 1966 and 1967 averaged 16 cents and 7 cents, respectively, under the manufacturing milk price in the Minnesota-Wisconsin area. Further, the estimated cost of importing curd from

Wisconsin is 13 cents per hundredweight of skim milk used to produce such curd.

The major milk handlers either make their own cottage cheese in their Grade A plants from producer milk, or buy their cottage cheese needs from one of the co-operatives that have only Grade A milk for their manufacturing purposes. While there are six specialized cottage cheese plants in Michigan using milk not meeting formal Grade A requirements in this product, the quantity of Grade B milk is rapidly decreasing throughout the State. Also, such plants must maintain a high quality supply in order to market cottage cheese in competition with that made from milk meeting requirements for Grade A. In fact, such plants are relying increasingly on the purchase of supplies of inspected milk from Southern Michigan order plants for their processing needs. Since they compete for supplies with the Southern Michigan fluid market, which is dominant on the Lower Peninsula, their prices to dairy farmers, including quantity and quality bonuses, customarily exceed the proposed Class III price level.

It is concluded that the Class II price for milk used to produce cottage cheese should be 15 cents per hundredweight over the Class III price. The proposed Class III price is the Minnesota-Wisconsin price but not to exceed the butter-nonfat dry milk formula plus 10 cents.

The new Class II price for milk used in cottage cheese would have averaged \$4.07 for 1967, not including the effect of the direct-delivery differential on milk for cottage cheese made at near-in Detroit plants. Handlers in the present direct-delivery zone area are paying a 4-cent direct-delivery differential on all milk, including milk for cottage cheese. The direct-delivery differential in such area is proposed to be increased to eight cents and a 4-cent direct-delivery differential is added for certain areas where previously no such differential has applied. Substantial quantities of cottage cheese are produced by plants in the zero zone area. These changes affect handlers' aggregate cost of milk for cottage cheese and result in an average marketwide differential for skim milk for cottage cheese perhaps as much as 19 cents. The amount adopted is reasonably aligned with alternative source procurement costs.

Testimony of one cooperative and certain handlers contended that the differential proposed by producers might place them at a competitive disadvantage relative to handlers in other markets who would have a somewhat lower ingredient cost. It was pointed out that they are competing for cottage cheese sales in other areas, some of which are at a considerable distance from Detroit. Such cooperative supported the increase in price, however, even though it expects to lose some cottage cheese sales at the higher price.

Under normal circumstances the application of a 15-cent differential over the proposed Class III price should not adversely affect the handlers' competitive position within this market. There would

be additional cost involved to substitute prepared curd or nonfat dry milk derived from outside Grade A milk and some transportation cost is involved when competitive cottage cheese is distributed from other markets in local competition.

The additional 15 cents possibly could affect a handler's competitive position in selling in other markets, although such amount is equivalent to less than 1 cent per pound on the finished creamed cottage cheese. Milk should not be priced under this order, however, at a level which encourages a milk supply of such proportions that local handlers are induced to seek substantial cottage cheese outlets in other markets. Milk supplies have been decreasing in this market in relation to the Class I requirements of local handlers and should be directed to Class I uses to the greatest extent possible.

The new Class II classification should include all producer milk assigned to the handler's cottage cheese utilization after the assignment of cottage cheese or cottage cheese curd imported by the handler. This is consistent with the regulatory scheme of the order whereby producer milk generally has priority assignment to highest-priced uses over other source milk in a form interchangeable with it for the uses involved. Imported cottage cheese or curd is not interchangeable with producer skim milk for the manufacture of products which will be included in the newly designated Class III milk. Thus, its assignment to Class III uses in order that producer skim milk could be given priority assignment to cottage cheese production would not be appropriate. Class II milk will include both the skim milk used by the handler in making cottage cheese curd and the cream which he may subsequently add to the curd in making creamed cottage cheese.

The present Class II price formula, which is the lesser of the Minnesota-Wisconsin manufacturing price or a butter-nonfat dry milk formula, should be adopted as the new Class III price formula. Class III milk will include milk presently classified as Class II except milk used to produce cottage cheese.

A cooperative association, with producer members supplying milk to handlers in the Grand Rapids section of the marketing area, proposed that the price for producer milk used in manufactured products (new Class III) be the higher of the Minnesota-Wisconsin manufacturing price or the butter-nonfat dry milk formula price. This association contended that such a price would more nearly reflect manufacturing milk values in this area where dairy farmers producing Grade B milk are securing prices in excess of the present order Class II price (new Class III price) because of quality and volume premiums paid over and above reported manufacturing plant pay prices.

Two cooperative associations, with standby manufacturing facilities at Sebawaing, Adrian and Chesaning, and two proprietary handlers opposed the proposed increase in the price for milk used in manufactured products other

than cottage cheese. These cooperatives maintained that because standby manufacturing facilities operate on an intermittent basis, the additional cost associated with this type of operation cannot be met if a higher level of prices prevails. Such associations, which handle substantial portions of the reserve milk, favored continuation of the present price formula for milk used in such products.

Handlers pointed out that the present price formula for reserve milk produces a price level identical to that in other Federal order markets in this region, such as Northwestern Ohio, Northeastern Ohio, Fort Wayne, and Indianapolis for comparable uses.

Under the proposed revised Class III price formula, the Minnesota-Wisconsin price would have been the effective price in all months but one (July 1966) during the period January 1966 through January 1968. In July 1966, the butter-nonfat dry milk formula price was only 1 cent higher than the Minnesota-Wisconsin price. This proposal, if effective would have increased the Class III price an average of 16 cents in 1966 and 7 cents in 1967.

The current price formula, as herein provided for Class III milk, has established a reasonable level of prices for milk used for most manufactured milk products not requiring Grade A milk. Most of the market's reserve milk which cannot be used in cottage cheese is moved to the five standby manufacturing plants of cooperative associations for manufacture into butter and nonfat dry milk. The cooperatives handling the market's reserve supplies cannot efficiently market such supplies at plants making hard cheeses.

With one exception (September 1967), the available volume of reserve milk (present Class II) each month since February 1965 has been less than that for the same month of the previous year. Associations have closed manufacturing facilities as the volume of milk on the Southern Michigan market available for manufactured milk products has decreased. Certainly there is no indication that at the present level of prices, either cooperatives or other handlers are interested in acquiring additional supplies solely for the purpose of producing storable manufactured milk products.

Moreover, the new Class III price formula which continues the present level of the Class II price, is the same price as is in effect for similar uses as Class II milk in the Northwestern Ohio; Northeastern Ohio; Miami Valley, Ohio; Columbus, Ohio; Indianapolis, Ind.; Cincinnati, Ohio; and Fort Wayne, Ind., Federal order markets. Such formula provides a close intermarket alignment of prices for milk used in manufactured products sold in competition with these neighboring markets.

It is concluded that the current order pricing formula for milk presently used as Class II and as now contained in the new Class III price formula is reasonable in present circumstances. The proposed increase in price therefore is denied.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Recommended marketing agreement and order amending the order.* The following order amending the order as amended regulating the handling of milk in the Southern Michigan marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

§ 1040.8 [Amended]

1. In § 1040.8, the reference in the parentheses to "Class II use" is changed to "Class III use".

§ 1040.27 [Amended]

2. In paragraph (1) of § 1040.27 the reference to "§ 1040.46(a) (8)" is changed

to "§ 1040.46(a) (9)" and paragraph (k) (1) is revised to read as follows:

(1) On or before the sixth day of each month, the Class I price computed pursuant to § 1040.51 for the current month; and the Class II price computed pursuant to § 1040.52, the Class III price computed pursuant to § 1040.52a and the handler and producer butterfat differentials computed pursuant to §§ 1040.53 and 1040.82, for the preceding month;

3. Section 1040.30(a) (4) is revised to read as follows:

§ 1040.30 Monthly reports of receipts and utilization.

(a) \* \* \*

(4) Inventories of fluid milk products on hand at the beginning and end of the month in bulk and in packaged form, separately;

4. Section 1040.41 is revised to read as follows:

§ 1040.41 Classes of utilization.

Subject to the conditions set forth in §§ 1040.43 and 1040.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except as provided in paragraph (c) (2), (3), and (4) of this section;

(2) In inventory of fluid milk products in packaged form on hand at the end of the month; and

(3) Not accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat used to produce or added to cottage cheese and cottage cheese curd, except cottage cheese and cottage cheese curd disposed of as livestock feed or dumped after prior notification to and opportunity for verification by the market administrator.

(c) *Class III milk.* Class III milk shall be:

(1) Skim milk and butterfat used to produce any product other than those products designated as Class I or Class II pursuant to paragraphs (a) and (b) of this section;

(2) Skim milk and butterfat disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(3) Skim milk and butterfat (including cottage cheese and cottage cheese curd) disposed of as livestock feed or skim milk (including cottage cheese and cottage cheese curd) dumped subject to prior notification to and inspection (at his discretion within 18 hours) by the market administrator;

(4) Skim milk represented by the non-fat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of fluid milk products prior to such addition;

(5) Skim milk and butterfat in frozen cream;

(6) Skim milk and butterfat contained in inventory of bulk fluid milk

products on hand at the end of the month;

(7) Skim milk and butterfat, respectively, in shrinkage as computed pursuant to § 1040.42 (a) and (b); and

(8) Skim milk and butterfat, respectively, in shrinkage assigned pursuant to § 1040.42(d) (ii).

§ 1040.42 [Amended]

5. In paragraph (a) of § 1040.42, the two references to "Class II" are changed to "Class III".

6. Section 1040.43 is revised to read as follows:

§ 1040.43 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler except as provided in § 1040.44(b), subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to any class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1040.46(a) (1) through (9) and the corresponding steps of § 1040.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1040.46(a) (4), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1040.46(a) (8) or (9) and the corresponding steps of § 1040.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class III milk, if transferred in the form of cream in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant if the handler claims Class III utilization and such nonpool plant is located in Pennsylvania, New Jersey, New York, or New England, otherwise assignment of cream transferred shall be pursuant to paragraph (d) or (e) of this section;

(d) As Class I milk if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pur-

suant to § 1040.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants;

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of an other order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants;

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk to the extent such utilization is available and then to Class III milk; and

(e) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class III to the extent of the Class III utilization (or comparable

utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for only two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class III; and

(6) If the form in which any fluid milk product is transferred to another order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1040.41.

7. Section 1040.45 is revised to read as follows:

**§ 1040.45 Computation of skim milk and butterfat in each class.**

For each month the market administrator shall correct for mathematical and other obvious errors in the monthly report submitted by each handler, and compute the total pounds of skim milk and butterfat, respectively, in Class I, Class II, and Class III utilization for such handler. If any of the water contained in the milk from which a product, other than cottage cheese or cottage cheese curd, is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water normally associated with such solids in the form of whole milk. Nonfat milk solids used to fortify fluid milk products in producing or adding to cottage cheese or cottage cheese curd shall be accounted for on the basis of the actual weight of the solids.

8. Section 1040.46 is revised to read as follows:

**§ 1040.46 Allocation of skim milk and butterfat classified.**

After making the computations pursuant to § 1040.45, the market administrator shall determine for each handler the classification of producer milk and milk received pursuant to § 1040.44(b) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1040.41(c) (7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Except for the first month this order is effective with respect to each handler, subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below, from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than a fluid milk product, provided that any such milk received as cottage cheese or cottage cheese curd shall be subtracted directly from the handler's cottage cheese utilization (Class II);

(ii) Receipts of fluid milk products that are not approved by a duly constituted health authority for fluid consumption in the marketing area or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II or Class III, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(a) For which the handler requests Class III utilization; or

(b) In series beginning with Class III, which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk the sum of the pounds of skim milk in producer milk, receipts from a cooperative association pursuant to § 1040.7(c), receipts from pool plants of other handlers, and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class III utilization was requested by the operator of such plant and the handler;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month (and for the first month the order is effective with respect to each handler, the pounds of fluid milk products in packaged form on hand at the beginning of the month);

(7) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (5) (i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the fol-

lowing order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (5) (i) of this paragraph:

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated combined Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1040.27(1) or the percentage that combined Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1040.43(a);

(11) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk and milk received pursuant to § 1040.44(b), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of such milk in each class.

9. Section 1040.51 is revised to read as follows:

**§ 1040.51 Class I milk price.**

Subject to the provisions of §§ 1040.53 and 1040.54, the minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month which is classified as Class I milk shall be as follows:

(a) To the basic formula price for the preceding month add \$140 and add 20 cents through April 1968.

10. Section 1040.52 is revised to read as follows:

**§ 1040.52 Class II milk price.**

The Class II milk price shall be the Class III milk price, plus 15 cents.

11. Add a new § 1040.52a to read as follows:

**§ 1040.52a Class III milk price.**

The minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month which is classified as Class III milk shall be computed by the market administrator as follows:

(a) The amount for the month computed pursuant to § 1040.50, but not more than the sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph (rounded to the nearest cent), plus 10 cents:

(1) From the average Chicago butter price for the month computed pursuant to § 1040.50, subtract 3 cents and multiply by 4.2; and

(2) From the weighted average of carlot prices per pound of spray process, nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U.S.D.A., deduct 5.5 cents, and multiply by 8.2.

12. Section 1040.53 is revised to read as follows:

**§ 1040.53 Handler butterfat differential.**

There shall be added to or subtracted from, the price of milk for each class as computed pursuant to §§ 1040.51, 1040.52, and 1040.52a, for each one-tenth of 1 percent that the average butterfat test of the milk in each class is above or below 3.5 percent, as the case may be, an amount equal to the average Chicago butter price for the month as described in § 1040.50 multiplied by 0.113 and the result rounded to the nearest one-tenth of a cent.

13. Section 1040.60 is revised to read as follows:

**§ 1040.60 Computation of the net pool obligation of each pool handler.**

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of milk in each class as computed pursuant to § 1040.46(c), by the applicable class prices;

(b) Add the amount obtained from multiplying the average deducted from each class pursuant to § 1040.46(a)(11) and the corresponding step of § 1040.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price or Class II price for the current month as the case may be, by the hundredweight of skim milk and butterfat subtracted from such respective class pursuant to § 1040.46(a)(6) and the corresponding step of § 1040.46(b).

(c-1) Add an amount determined by multiplying the difference between the Class I price for the preceding month and Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1040.46(a)(3) and the corresponding step of § 1040.46(b). If the Class I price for the current month is less than the Class I price for the preceding month the result shall be a minus amount;

(d) Add an amount equal to the difference between the Class I and Class

III price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1040.46(a)(4) and the corresponding step of § 1040.46(b); and

(e) Add the value at the Class I price, adjusted for location of the nonpool plant(s) from which an equivalent volume was received, if the skim milk and butterfat subtracted from Class I pursuant to § 1040.46(a)(8) and the corresponding step of § 1040.46(b).

14. Section 1040.64 is revised to read as follows:

**§ 1040.64 Excess milk price.**

For each month, the excess price shall be the price of Class III milk, determined pursuant to § 1040.52a.

**§ 1040.66 [Amended]**

15. In paragraph (a)(1)(i) of § 1040.66, the reference "Class II milk" is changed to "Class III milk (or Class II)" and in paragraph (b)(4) of such section, the reference "Class II price" is changed to "Class III price".

**§ 1040.80 [Amended]**

16. In paragraph (d) of § 1040.80, the reference "Class II milk price" is changed to "Class III milk price".

**§ 1040.84 [Amended]**

17. In paragraph (b)(2) of § 1040.84, the reference in the parentheses to "Class II price" is changed to "Class III price".

**§ 1040.86 [Amended]**

18. In paragraph (b) of § 1040.86, the reference "§ 1040.46(a)(3) and (7)" is changed to "§ 1040.46(a)(4) and (8)".

Signed at Washington, D.C., on March 4, 1968.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[F.R. Doc. 68-2846; Filed, Mar. 6, 1968; 8:49 a.m.]

**[7 CFR Part 1043]**

[Docket No. AO 247-A12]

**MILK IN UPSTATE MICHIGAN  
MARKETING AREA**

**Notice of Recommended Decision and  
Opportunity To File Written Exceptions  
on Proposed Amendments to  
Tentative Marketing Agreement  
and to Order**

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Upstate Michigan marketing area.

Interested parties may file written exceptions to this decision with the Hear-

ing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

*Preliminary statement.* The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Traverse City, Mich., on August 1, 1967, pursuant to notice thereof issued July 19, 1967 (32 F.R. 10808).

The material issues on the record of the hearing relate to the appropriate levels of Class II and Class III milk prices.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

*Class II and Class III milk prices.* The price formula for Class III milk should be the present alternative Class II price formula based on the Chicago market prices of butter and nonfat dry milk. The price for Class II milk should be such formula price plus 25 cents but not to exceed the basic formula price plus 15 cents. Class II milk includes milk for cream and cottage cheese while Class III milk includes manufactured products.

Since October 1, 1956, the Class II price has been the highest of (1) the Midwestern Condensery price, (2) the average price at selected local manufacturing plants, or (3) a butter-nonfat dry milk formula price. The Class III price is the Class II price less 20 cents. The Midwestern Condensery price was the effective basis for Class II and Class III prices in most months prior to May 1967 when the local plant price series became the effective basis. In this connection, official notice is taken of the statistical announcements of the market administrator since the close of the hearing.

The cooperative association, representing most of the producers on the market, proposed that the price for Class III milk be the present order butter-nonfat dry milk formula price and that the Class II price be such price plus 30 cents. This would eliminate use of both the Midwestern Condensery series and local plant prices.

Proponent requested these changes because of the closing of many of the plants formerly reporting prices for the Midwestern Condensery price series as well as the closing of two of the four local plants reporting. The cooperative contended that prices from such a small number of plants operated by only four companies do not appropriately reflect the value of milk for manufacturing purposes and thus are no longer a proper basis for establishing minimum prices under the order.

They stated also that the proposed change would make for closer alignment

of prices for milk in manufacturing uses between this market and the Southern Michigan market, pointing out that the major outlet for reserve milk from this market is a Southern Michigan regulated plant located at Ovid. This standby manufacturing plant is primarily a butter-nonfat dry milk operation.

Producer receipts at Upstate Michigan pool plants have decreased from about 5 million pounds per month prior to April 1967, to an average of less than 1.4 million pounds in recent months. At that time certain pool plants formerly receiving direct ship producer milk began receiving their supplies from Southern Michigan regulated plants. Since most producer milk on this market is needed and used for fluid purposes, the monthly volumes of producer milk in Class II and III milk are very small.

In the most recent month for which statistics are available (November 1967), 89.7 percent of producer milk was classified as Class I, 5.5 percent as Class II, and 4.8 percent as Class III. During November, only 61,000 pounds were used in Class II milk products and 53,000 pounds in Class III milk products by all handlers. Regulated handlers maintain minimum facilities for manufacturing Class III milk products and limited facilities for Class II products, such as cottage cheese and ice cream. Prices for such milk should not be such as to inhibit its disposition to the cooperative's nonpool plant at Ovid.

At the present time, prices reported by a single company for its two plants constitute the alternative local plant price series. Only five plants operated by three companies constitute the Midwestern Condensery price average. Prices determined on either of these alternate bases no longer provide a reliable method of determining Class II and Class III prices.

The Class III price, butter-nonfat dry milk formula price (as proposed by producers and herein adopted), would have increased such price 12 cents for the period January through November 1967. Such a price will reasonably reflect surplus milk values in this area. Producer milk used in Class II milk should be priced at the Class III price, plus 25 cents, or the basic formula price plus 15 cents, whichever is lower.

The only question at issue was the establishment of an appropriate pricing formula for milk used for cottage cheese. Proponent of establishing the Class II price at 30 cents over the Class III price pointed out that handlers in this market currently rely entirely on Grade A supplies of producer milk for cottage cheese production and that under State of Michigan health requirements they are permitted to have only this milk or ingredients from milk of equivalent quality to make cottage cheese in their bottling plants. It was further noted that although the number of regulated plants have decreased in recent periods, total creamed cottage cheese production has increased.

One handler opposed the proposed increase in the Class II price on milk used for cottage cheese. He contended that the

proposed Class II price would increase finished cottage cheese prices by more than 1 cent per pound and place regulated handlers at a competitive disadvantage with unregulated manufacturers of cottage cheese. He alleged that the prices paid for milk for cottage cheese by unregulated processors were less than order prices, but offered no specific price information.

Producer milk disposed of as Class II milk should be priced under the order at a level which will result in the orderly marketing of such milk. Within this concept, however, the price level should be that which will provide the highest possible return to producers.

There are no dependable nonproducer sources of graded milk for use in cottage cheese within the normal milkshed area from which producer milk is supplied to the market. Milk for such purpose supplied from the Southern Michigan market would reflect approximately the same price as herein adopted since milk utilized as cottage cheese by Southern Michigan plants is priced on an equivalent basis.

The nearest known plant processing cottage cheese from ungraded milk is located about 80 miles from Traverse City. Other plants so engaged are located at substantially greater distances from the market. Milk for cottage cheese received from other areas such as Indiana and Wisconsin would have to move great distances at substantial transportation cost. Similarly, there would be additional cost involved in substituting prepared curd or nonfat dry milk processed from Grade A milk in distant plants outside the State.

While it was pointed out that there are at least three cottage cheese processors selling in this area who are not under any regulation, such plants nevertheless must maintain a high quality supply in order to market cottage cheese in competition with that made from Grade A milk. It was not established for the record that such plants are able to secure nonregulated milk supplies at less than the proposed Class II price.

Actually, about 76 percent of the cottage cheese produced in Michigan in 1966 was produced from Grade A milk at plants regulated under one or another of the Federal orders in Michigan. A substantial portion of the remaining 24 percent of the cottage cheese produced in the state was made from Grade A milk purchased in bulk by nonregulated plants from Southern Michigan regulated plants. Normally such purchases would carry some handling cost in addition to the Class II price set by the Southern Michigan order. Since this order and the Southern Michigan order encompass most of the Lower Peninsula, unregulated plants purchasing milk from farmers for cottage cheese must procure such milk in price competition with regulated milk for which the producer receives a blend price above the manufacturing level.

In these circumstances, we conclude that the proposed increase in the Class II price (1 cent per hundredweight of

milk in 1966 and 17 cents for the period January through November 1967) should not have an unduly adverse effect on the competitive position of Upstate Michigan handlers. Further, the limit to the price of not more than 15 cents over the basic formula price will assure prices similar to those proposed for the same use under the Southern Michigan order and a close relationship to prices at unregulated plants making cottage cheese. It is concluded, therefore, that the price for Class II milk should be the Class III price plus 25 cents or the basic formula price plus 15 cents, whichever is lower.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Recommend marketing agreement and order amending the order.* The following order amending the order as amended regulating the handling of milk in the Upstate Michigan marketing area is recommended as the detailed and appropriate means by which the foregoing

conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

In § 1043.51, paragraphs (b) and (c) are revised as follows:

§ 1043.51 Class prices.

(b) *Class II milk.* The Class II milk price shall be the Class III milk price plus 25 cents, or the basic formula price plus 15 cents, whichever is lower.

(c) *Class III milk.* The Class III milk price shall be the sum of the amount computed pursuant to subparagraphs (1) and (2) of this paragraph (rounded to the nearest cent):

(1) From the average Chicago butter price for the month described in § 1043.50, subtract three cents and multiply the remainder by 4.2; and

(2) From the weighted average of carlot prices per pound of spray process, nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published from the 26th day of the immediately preceding month to the 25th day of the current month by the USDA, deduct 5.5 cents, and multiply by 8.2.

Signed at Washington, D.C., on March 4, 1968.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[F.R. Doc. 68-2847; Filed, Mar. 6, 1968;  
8:49 a.m.]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-SO-112]

### CONTROL AREAS AND TRANSITION AREA

#### Proposed Designation and Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would designate the Piedmont, Ala., and the Langston, Ala., additional control areas, and alter the Chattanooga, Tenn., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Administration is considering the following proposed airspace actions:

1. Designate the Piedmont, Ala., Additional Control Area as that airspace extending upward from 3,000 feet MSL beginning at latitude 34°36'00" N., longitude 85°21'00" W., thence south to latitude 33°59'00" N., longitude 85°21'00" W., thence east via latitude 33°59'00" N., to the arc of a 50-mile circle centered on the Atlanta, Ga., Airport (latitude 33°38'42" N., longitude 84°25'37" W.), thence counterclockwise along this arc to a line 12 miles north of and parallel to the Atlanta, Ga., Airport Runway 9L ILS localizer west course, thence west along this line to longitude 85°33'00" W., thence south via longitude 85°33'00" W., to the northeast boundary of V-321, thence northwest along the northeast boundary of V-321 to the southeast boundary of V-115E, thence northeast along the southeast boundary of V-115E to the point of beginning.

2. Designate the Langston, Ala., Additional Control Area as that airspace extending upward from 3,000 feet MSL bounded on the north by V-54S, on the southeast by V-115, on the southwest by V-321 and on the northwest by the arc of a 31-mile radius circle centered at latitude 34°46'30" N., longitude 86°36'30" W.

3. Revoke the portion of the Chattanooga, Tenn., Transition Area extending upward from 3,000 feet MSL bounded on the north by V-54, on the northeast by the arc of a 25-mile radius circle centered at Lovell Field, on the southeast by V-115, and on the west by a line extending through latitude 34°32'00" N., longitude 85°52'15" W., and latitude 34°48'00" N., longitude 85°57'10" W.

The designation of the Piedmont and Langston additional control areas would provide controlled airspace for instrument flight rule air traffic operating direct between Atlanta, Ga., and Huntsville, Ala., and direct between Rome, Ga., and Huntsville. In addition, the additional control areas would provide controlled airspace for radar vectoring and control of instrument traffic arriving and departing the Atlanta terminal area. The portion of the Chattanooga transition area proposed for revocation would be replaced by a portion of the Langston additional control area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on February 29, 1968.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[F.R. Doc. 68-2811; Filed, Mar. 6, 1968;  
8:47 a.m.]

### [ 14 CFR Part 71 ]

[Airspace Docket No. 68-SW-10]

### CONTROL ZONE AND TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Walnut Ridge, Ark., terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

The Walnut Ridge, Ark., control zone and transition area are presently described in FAR, Part 71, § 71.171 (33 F.R. 2132) and § 71.181 (33 F.R. 2268).

It is proposed to amend Part 71 of the Federal Aviation Regulations as herein-after set forth.

(1) In § 71.171 (33 F.R. 2132) the Walnut Ridge, Ark., control zone is amended to read:

#### WALNUT RIDGE, ARK.

Within a 5-mile radius of Walnut Ridge Municipal Airport (lat. 36°07'30" N., long. 90°55'25" W.) and within 2 miles each side of the Walnut Ridge VORTAC 244° (239° magnetic) radial extending from the 5-mile radius zone to 8 miles southwest of the VORTAC.

(2) In § 71.181 (33 F.R. 2268) the Walnut Ridge, Ark., transition area is amended to read:

#### WALNUT RIDGE, ARK.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Walnut Ridge Municipal Airport (lat. 36°07'30" N., long. 90°55'25" W.), within 2 miles each side of the Walnut Ridge VORTAC 244° (239° magnetic) radial extending from the 6-mile radius area to 8 miles southwest of the VORTAC; and within 2 miles each side of the Walnut Ridge VORTAC 055° (050° magnetic) radial extending from the 6-mile radius area to 15 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface

within 8 miles southeast and 5 miles northwest of the Walnut Ridge VORTAC 244° and 064° (239° and 059° magnetic) radials extending from 13 miles southwest to 7 miles northeast of the VORTAC excluding the portion within the Memphis, Tenn., transition area, within 5 miles each side of the Walnut Ridge VORTAC 020° (015° magnetic) radial extending from the VORTAC to 23 miles north, within 5 miles each side of the Walnut Ridge VORTAC 235° (230° magnetic) radial extending from the VORTAC to 23 miles southwest, and within 5 miles southeast and 8 miles northwest of the Walnut Ridge VORTAC 055° (050° magnetic) radial extending from the VORTAC to 19 miles northeast.

The alterations, as proposed, will provide airspace protection for aircraft executing instrument approach/departure procedures at the Walnut Ridge Municipal Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on February 27, 1968.

A. L. COULTER,  
Acting Director, Southwest Region.

[F.R. Doc. 68-2812; Filed, Mar. 6, 1968; 8:47 a.m.]

[ 14 CFR Part 71 ]

[Airspace Docket No. 68-SW-14]

**CONTROL ZONE AND TRANSITION AREA**

**Proposed Alteration**

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Corpus Christi, Tex., terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

(1) In § 71.171 (33 F.R. 2074) the Corpus Christi NAS, Tex., control zone is amended by substituting " \* \* \* Navy Corpus TACAN 137° (128° magnetic) and 139° radials \* \* \*" for " \* \* \* Navy Corpus TACAN 139° radial \* \* \* ."

(2) In § 71.181 (33 F.R. 2167) the Corpus Christi, Tex., transition area 700-foot portion is amended by substituting " \* \* \* Navy Corpus TACAN 137° (128° magnetic) and 139° radials \* \* \*" for " \* \* \* Navy Corpus TACAN 139° radial \* \* \* ."

The alterations, as proposed, will provide airspace protection for aircraft executing amended instrument approach procedures at NAS Corpus Christi.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on February 27, 1968.

A. L. COULTER,  
Acting Director, Southwest Region.

[F.R. Doc. 68-2813; Filed, Mar. 6, 1968; 8:47 a.m.]

[ 14 CFR Part 71 ]

[Airspace Docket No. 68-SO-10]

**TRANSITION AREA**

**Proposed Designation**

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Rockingham, N.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The Rockingham transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Rockingham-Hamlet Airport; within 2 miles each side of the Pinehurst VORTAC 206° radial, extending from the 5-mile radius area to 13 miles southwest of the Pinehurst VORTAC.

The proposed Rockingham transition area is required for the protection of IFR operations at Rockingham-Hamlet Airport. A prescribed instrument approach procedure to this airport utilizing the

Pinehurst VORTAC is proposed in conjunction with the designation of this transition area.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)).

Issued in East Point, Ga., on February 27, 1968.

GORDON A. WILLIAMS, Jr.,  
Acting Director, Southern Region.

[F.R. Doc. 68-2814; Filed, Mar. 6, 1968; 8:47 a.m.]

**FEDERAL TRADE COMMISSION**

[ 16 CFR Part 244 ]

**GREETING CARD INDUSTRY**

**Proposed Guides Relating to Discriminatory Practices**

Proposed Guides for the Greeting Card Industry Relating to Discriminatory Practices are hereinafter set forth and are today made public by the Commission for consideration by industry members and other interested or affected parties pursuant to the Federal Trade Commission Act as amended, 15 U.S.C., sections 41-58, and the provisions of Part 1, Subpart A, of the Commission's procedures and rules of practice, 32 F.R. 8444 (June 13, 1967).

Notice of opportunity to present written views, suggestions or objections. Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties affected by or having an interest in the proposed Guides for the Greeting Card Industry Relating to Discriminatory Practices, to present to the Commission their views concerning the Guides, including such pertinent information, suggestions, or objections as they may desire to submit. For this purpose, copies of the proposed Guides, which are advisory in nature as to the applicability of legal requirements, may be obtained upon request to the Commission. Such data, views, information, and suggestions may be submitted by letter, memorandum, brief, or other written communication not later than May 6, 1968, to the Chief, Division of Industry Guides, Bureau of Industry Guidance, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580. Written comments received in the proceeding will be available for examination by interested parties at the Commission's Washington address and will be fully considered by the Commission.

Text of the proposed Guides follows:

NOTE: These Guides have not been approved by the Federal Trade Commission. They are a draft of proposed Guides which are made available to all interested or affected parties for their consideration and for submission of such views, suggestions, or

objections as they may care to present, due consideration to which will be given by the Commission before proceeding to final action on the proposed Guides.

The Commission, from time to time, publishes various Guides to advise the business community of the Commission's views as to the requirements of laws which it administers. Guides are published in the belief that the businessman who is fully informed of the legal pitfalls in his path can conduct his affairs so as to avoid legal difficulties. It is the Commission's further belief that the more knowledge businessmen have respecting the laws it administers, the more likelihood there is that they will conduct their business in accordance therewith.

The Commission, having reason to believe that illegal discriminatory practices have prevailed in the sale and distribution of greeting cards, is issuing the instant Guides to assist businessmen who want to avoid such practices, to do so. Thus, the Guides are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting the industry, trade, and the public.

These Guides, relating to discriminatory pricing practices and discriminations in the furnishing of promotional allowances, services or facilities (subsections (a), (d), and (e) of section 2 of the amended Clayton Act), do not purport to cover every situation which may arise. While they are an explanation with examples of what the law means, they are not a restatement of the law nor a substitute for sound legal advice.

The full texts of section 2 of the amended Clayton Act and section 5(a) (1) of the Federal Trade Commission Act are reproduced at the end of these Guides. Section 5(a) (1) and subsection (f) of section 2 of the amended Clayton Act are the laws that may be violated by a retailer or other purchaser that induces violation of subsection (a), (d), or (e) of section 2 of the amended Clayton Act.

#### Sec.

244.0 Definitions.

244.1 Price discriminations in general.

244.2 Promotional assistance

**AUTHORITY:** The provisions of this Part 244 issued under secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46; 49 Stat. 1526; 15 U.S.C. 13, as amended.

#### § 244.0 Definitions.

For purposes of this part the following definitions will apply:

(a) "Greeting card" means any commercial form of card, sheet, or folder which conveys a greeting or similar type of message by means of printed reading matter or pictorial matter. The term includes "chromos" which contain pictures but no words, and also, cards which contain words but no pictures.

(b) "Publisher" means any person, firm, partnership, corporation, or organization which has greeting cards printed or packaged, whether in its own plant or other plant, for sale exclusively by it. It does not include the printer or packager unless he acts for his own account.

(c) "Distributor" means any person, firm, partnership, corporation, or organization that purchases greeting cards for resale to parties other than the ultimate consumer. This includes wholesalers, jobbers, and all other intermediaries other than retailers.

(d) "Supplier" means any greeting card publisher or distributor.

(e) "Retailer" means any seller of greeting cards to the ultimate consumer, such as card shops, drug stores, discount houses, department stores, etc.

(f) "Commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States." (If there is any part of a business which is not wholly within one State, e.g., sales or deliveries of products, their subsequent distribution or purchases or deliveries of supplies or raw materials, the business may be subject to section 2 of the amended Clayton Act.)

(g) "Promotional assistance" means any payment for advertising or other payment, allowance, service, or facility provided by a supplier whether direct to a customer or to a third party for the benefit of a customer in connection with the processing, handling, sale or offering for sale the supplier's product, including but not limited to:

- (1) Any kind of advertising;
- (2) Window and counter displays;
- (3) Servicing of greeting card cabinets or racks;
- (4) Greeting card cabinets, or a discount thereon;
- (5) Rebates or allowances for soiled, discontinued or leftover cards;
- (6) Push money;
- (7) Contribution to a customer's anniversary sale.

(h) "Proportionally equal terms" means that the promotional assistance is proportionalized on some basis which is fair to all competing customers. No single way to proportionalize is prescribed by law and any method that treats competing customers on proportionally equal terms may be used.

(i) "Cost justification" is an affirmative defense which may be undertaken by a supplier charged with price discrimination, by establishing that his price differential was based solely on differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which his products are sold or delivered. This defense depends upon net savings in cost based on all the facts relevant to the transactions. It is a technical defense and some items, such as savings in brokerage, may not be included in determining such net savings. (This defense is not available to a supplier charged

with discrimination in the furnishing of promotional assistance.)

(j) "Meeting competition in good faith" is an affirmative defense which may be undertaken by a supplier charged with a violation of subsections 2 (a), (d), or (e) of the amended Clayton Act who can defend his actions by establishing that his lower price or granting of disproportionate promotional assistance was made in good faith to meet an equally low price or greater promotional assistance furnished by a competitor. This is a technical defense subject to important limitations.

#### § 244.1 Price discriminations in general.

(a) Publishers and distributors in the Greeting Card Industry should not, in the course of commerce, grant, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential which effects a discrimination in price between different purchasers of greeting cards of like grade and quality, where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with the publisher or distributor granting the discrimination or with the purchaser receiving its benefit or with customers of either of them.

**NOTE:** This section is not applicable to greeting cards purchased by the U.S. Government or by schools, colleges, universities, public libraries, churches, and charitable institutions not operating for profit, as supplies for their own use. Also, this section is not to be construed as preventing price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as, obsolescence of seasonal goods, distress sales under court process or sales in good faith in discontinuance of business in the goods concerned.

(b) The following are examples of practices involving price differentials to be avoided in the sale of goods of like grade and quality in commerce, where the effect thereof may have the reasonable probability of adversely affecting competition and the seller is unable to establish either the "cost justification" or "meeting competition in good faith" defense.

(1) A supplier sells to retailers at 50 percent off list but grants an extra 5 percent discount to chain store customers. It is immaterial that such 5 percent discount is given under the guise of or labeled as a promotional allowance.

(2) A supplier sells direct to retailers at 50 percent off list and at the same time, sells to a retail buying group allowing the latter an additional 5 percent discount.

(3) A supplier grants discounts of 2 percent on first \$1,000 of purchases, 4 percent on the next \$1,000 of purchases, and 6 percent on all purchases thereafter during a specified period of time.

(4) A supplier grants a 5 percent rebate on the increased amount of greeting cards purchased over purchases in the preceding year.

(5) A supplier pays freight on shipments to one or more customers but does not pay such freight for all customers,

thereby effecting a difference in price between customers.

(6) A supplier invoices goods to all customers at the same price but supplies additional quantities of such goods at no extra charge to one or more, but not to all, such customers. [Guide 1]

#### § 244.2 Promotional assistance.

(a) Publishers and distributors of greeting cards, providing promotional assistance in the course of commerce to competing customers, should do so under a plan which takes into account the following:

(1) The promotional assistance must be made available on proportionally equal terms to all competing customers.

(2) The competing customers must be made aware that the promotional assistance is available. It is not absolutely necessary that the offer be in writing for it may be made in any manner the supplier chooses including letter, telegram, conspicuous notice on invoice, by salesmen, etc. However, if the supplier wants to be able to show later that the offer was made to a certain customer, he is in a better position to do so if the offer was made in writing.

(3) The supplier must not adopt a plan which is of use to only one customer or to only one favorite class of customers. The plan must be either realistically available to all competing customers in a practical business sense, or reasonable alternatives must be made available on proportionally equal terms.

(4) The supplier must take reasonable precautions to see that the customers receiving promotional assistance are performing what is required of them under the plan, and that he is not paying any amount in excess of that actually used by the customers.

(b) The following are examples of practices involving discriminations in the furnishing of promotional assistance to be avoided in commerce when involving products of like grade and quality and when the seller is unable to establish a defense of "meeting competition in good faith."

(1) A supplier grants allowances only for radio, television, and newspaper advertising when he has some competing customers, such as small card shops, which are unable to advertise in these media, even with the promotional assistance offered.

(In the above circumstances, and in order to satisfy legal requirements, the supplier must make usable and suitable alternatives available on proportionally equal terms to all other customers competing in the distribution of the supplier's greeting cards, such as, but not limited to, advertising in the neighborhood paper or buying guide, in-store advertising, envelope stuffers, handbills, etc.)

(2) A supplier grants as a service to department stores or other customers a rebate of 50 percent on all Christmas cards purchased from the supplier and left over after Christmas, but does not make the offer to all of its customers

competing with those to whom this service is accorded.<sup>1</sup>

(3) A supplier furnishes greeting card cabinets without cost or with a special discount to one or more customers, but does not make the same offer available on proportionally equal terms to all other competing customers, or in the event he does make such offer, he does not offer usable and suitable alternatives of equivalent measurable cost to those competing customers to whom cabinets are not usable and suitable.

(4) A supplier accords to one or more customers the privilege of returning for credit, refund or exchange any or all of the greeting cards purchased from the supplier but fails to offer the same privilege to all other customers competing in the distribution of the supplier's greeting cards.

In these circumstances, the supplier need not offer alternatives to returns for credit, refund or exchange because they would appear to be usable by all customers in a practical business sense.

(5) A supplier furnishes promotional assistance based on increased amounts of purchases, such as 2 percent cooperative advertising allowance on yearly purchases up to \$1,000, and 4 percent cooperative advertising allowance on purchases over \$1,000.

Generally, using as a basis for promotional assistance a percentage of dollar volume or quantity of goods purchased during a specified period of time will insure that the promotional assistance is furnished on proportionally equal terms: *Provided, however,* That when promotional assistance is furnished on this basis, the percentage remains constant regardless of the amount of purchases. [Guide 2]

Nothing contained in these Guides relieves any party subject to a Commission cease and desist order or other requirement from complying with the specific provisions of such order or requirement. The Guides do not constitute a finding in and will not affect the disposition of any formal or informal matter now pending with the Commission.

Following is the full text of section 2 of the Clayton Act as amended by the Robinson-Patman Act and section 5(a)(1) of the Federal Trade Commission Act.

Clayton Act (U.S.C., title 15, sec. 13, as amended).

#### SEC. 2. DISCRIMINATING IN PRICE, SERVICE, OR FACILITIES

SEC. 2. (a) That it shall be unlawful for any person engaged in commerce, in the course of such commerce, either directly or indirectly, to discriminate in price between different purchasers of commodities of like grade and quality, where either or any of the purchases involved in such discrimination are in commerce, where such commodities are sold for use, consumption, or resale

<sup>1</sup> A rebate on leftover greeting cards may, under some circumstances, be cognizable under § 244.1, as a price discrimination.

within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, and where the effect of such discrimination may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided,* That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered: *Provided, however,* That the Federal Trade Commission may, after due investigation and hearing to all interested parties, fix and establish quantity limits, and revise the same as it finds necessary, as to particular commodities or classes of commodities, where it finds that available purchasers in greater quantities are so few as to render differentials on account thereof unjustly discriminatory or promotive of monopoly in any line of commerce; and the foregoing shall then not be construed to permit differentials based on differences in quantities greater than those so fixed and established: *And provided further,* That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade: *And provided further,* That nothing herein contained shall prevent price changes from time to time where in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor.

(c) That it shall be unlawful for any person engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

Federal Trade Commission Act (U.S.C., title 15, sec. 45(a)(1))

SEC. 5. (a) (1) Unfair methods of competition in commerce, and unfair or deceptive acts or practices in commerce, are hereby declared unlawful.

## PROPOSED RULE MAKING

(d) That it shall be unlawful for any person engaged in commerce to pay or contract for the payment of anything of value to or for the benefit of a customer of such person in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such person, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(e) That it shall be unlawful for any person to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for

resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(f) That it shall be unlawful for any person engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by this section.

Issued: March 6, 1968.

By direction of the Commission.

[SEAL]

JOSEPH W. SHEA,  
*Secretary.*

[F.R. Doc. 68-2800; Filed, Mar. 6, 1968;  
8:46 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 1887]

ARIZONA

### Order Providing for Opening of Public Lands

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended by section 3 of the Act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following described lands have been re-conveyed to the United States under serial number Phoenix 080572:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 22 N., R. 17 W.,  
Sec. 2, SE $\frac{1}{4}$ .

The area described includes 160 acres.  
2. The lands are located in Mohave County approximately 9 miles north of Kingman, Ariz. Topography is moderately flat to flat desert land. Soils are gravelly to fine sandy loam. Vegetation consists of creosote bush, snakeweed and burro weed with some perennial and annual grasses. The lands have value for watershed, grazing, and wildlife which can best be managed under the principles of multiple use.

3. Subject to valid existing rights, the provisions of the present multiple use classification A 155 published December 21, 1966 (31 F.R. 16324), and the requirements of applicable law, this land will be opened to application, petition, location, and selection. Any petition-application that is filed for classification will be considered on its merits in accordance with existing law and regulations.

4. This order shall become effective at 10 a.m. on April 6, 1968.

5. Inquiries concerning these lands shall be addressed to U.S. Bureau of Land Management, Arizona Land Office, Room 3022 Federal Building, Phoenix, Ariz. 85025.

FRED J. WEILER,  
State Director.

MARCH 1, 1968.

[F.R. Doc. 68-2802; Filed, Mar. 6, 1968;  
8:46 a.m.]

[New Mexico 3689]

NEW MEXICO

### Notice of Classification of Lands

FEBRUARY 28, 1968.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the lands described below are hereby classified for disposal through exchange under

section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended, for lands within Torrance and Valencia Counties, N. Mex.

As a result of comments received following publication of the proposed classification (32 F.R. 20888), lots 1 and 2, Sec. 18, T. 5 N., R. 16 E., have been eliminated from this classification. Any segregative effect of the proposed classification on these lands will terminate at 10 a.m. on the thirtieth day following publication of notice.

The lands affected by this classification are located in Lea and Guadalupe Counties, and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 5 N., R. 16 E.,  
Sec. 5, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , and S $\frac{1}{2}$ ;  
Sec. 8, N $\frac{1}{2}$  and SW $\frac{1}{4}$ ;  
Sec. 9, NW $\frac{1}{4}$ ;  
Sec. 11, W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 14, W $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Sec. 18, lots 3, 4, E $\frac{1}{2}$ , and E $\frac{1}{2}$ W $\frac{1}{2}$ .  
T. 6 N., R. 16 E.,  
Sec. 31, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 35, E $\frac{1}{2}$ NE $\frac{1}{4}$ .  
T. 25 S., R. 35 E.,  
Sec. 24, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 25, S $\frac{1}{2}$ .  
T. 26 S., R. 36 E.,  
Secs. 17 and 29;  
Sec. 31, lot 4.

The areas described aggregate 3915.25 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.12 (d)).

W. J. ANDERSON,  
State Director.

[F.R. Doc. 68-2803; Filed, Mar. 6, 1968;  
8:46 a.m.]

[New Mexico 034478]

NEW MEXICO

### Notice of Proposed Withdrawal and Reservation of Lands; Correction

MARCH 1, 1968.

The notice of an application, Serial No. New Mexico 034478, for withdrawal and reservation of lands as published in the FEDERAL REGISTER, Document No. 66-10553 at page 12685 of the issue for September 28, 1966, is corrected to include sec. 31, T. 25 N., R. 12 W., N. Mex. Prin. Mer., New Mexico.

MICHAEL T. SOLAN,  
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 68-2804; Filed, Mar. 6, 1968;  
8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

### ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Members of Administrator's Immediate Staff

The delegations of authority set forth in Division V of the statement of Organization, Functions, and Delegations of Authority of Agricultural Stabilization and Conservation Service published in the FEDERAL REGISTER on January 16, 1968 (33 F.R. 542) is amended by adding a new sentence as follows at the end of the first paragraph under the heading, B. Member of the Administrator's immediate staff.

V. Delegations of authority. \* \* \*

B. Members of the Administrator's immediate staff. \* \* \* The authority delegated herein to the Deputy Administrator, State and county operations includes the authority to promulgate by publication in the FEDERAL REGISTER, determinations made by ASC State or county committees, the Executive Director of the Hawaii Agricultural Stabilization and Conservation Service State Office, and the Director, Agricultural Stabilization and Conservation Service Caribbean Area Office, designating local producing areas for purposes of considering eligibility of producers for abandonment or crop deficiency payment, or for prevented acreage credit under the Sugar Act of 1948, as amended, and regulations issued pursuant thereto.

Signed at Washington, D.C., this 29th day of February 1968.

E. A. JÄENKE,  
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-2841; Filed, Mar. 6, 1968;  
8:49 a.m.]

Office of the Secretary

### AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

#### Delegation of Authority and Assignment of Functions

Pursuant to the authority contained in R.S. 161 (5 U.S.C. 301) and Reorganization Plan No. 2 of 1953, the Delegation of Authority and Assignment of Functions published in 29 F.R. 16210, as amended, is further amended as follows:

I. Section 120 is revised to read as follows:

120. Assignment of functions. The following assignment of functions is hereby

made to the Agricultural Stabilization and Conservation Service:

a. Farm marketing quota and acreage allotment programs under the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301 et seq.).

b. Agricultural conservation and diversion programs (except the Great Plains Program and the naval stores conservation program) under section 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g et seq.).

c. Cropland conversion program under section 16(e) of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590p(e)).

d. Cropland adjustment program under Title VI of the Food and Agriculture Act of 1965 (7 U.S.C. 1838).

e. Wheat certificate and diversion programs under Subtitles B & D, Title III, Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1339 and 1379a et seq.).

f. Upland cotton programs under section 103 of the Agricultural Act of 1949, as amended (7 U.S.C. 1444).

g. For and on behalf of the Commodity Credit Corporation:

(1) Emergency livestock feed assistance program under Public Law 86-299, as amended (7 U.S.C. 1427 note).

(2) Distress and disaster relief and emergency feed programs under section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427) and Public Law 875, 81st Cong., as amended (42 U.S.C. 1855).

h. Emergency conservation program under Public Law 85-58, as amended (71 Stat. 177).

i. Conservation reserve program under the Soil Bank Act of 1956, as amended (7 U.S.C. 1801 note).

j. Land stabilization, conservation, and erosion control program authorized by section 203 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. A 203), with assistance from the Soil Conservation Service as assigned.

k. Administration of the Sugar Act of 1948, as amended (7 U.S.C. 1100 et seq.).

l. Administration of the International Sugar Agreement.

m. Domestic operations to implement the International Grains Arrangement.

n. For and on behalf of CCC, programs to stabilize, support, and protect farm income and prices and to assist in the maintenance of balanced and adequate supplies of agricultural commodities, including programs to sell or otherwise dispose of and aid in the disposition of such commodities, except as assigned to the Consumer and Marketing Service under section 110 of this Delegation of Authority and Assignment of Functions (for the distribution of food) and to the Foreign Agricultural Service under section 160 of this Delegation of Authority and Assignment of Functions (with respect to export sales, foreign donations, export subsidy and barter operations).

o. Procurement, processing, handling, distribution, disposition, transportation, payment, and related services on surplus removal and supply operations, including operations for and on behalf of CCC

under section 5 (b), (c), and (d) of the CCC Charter Act (15 U.S.C. 714c (b), (c), and (d)), section 416 of the Agricultural Act of 1949, as amended (7 U.S.C. 1431), and section 709 of the Food and Agricultural Act of 1965 (7 U.S.C. 1446a-1), and, except as otherwise assigned to the Consumer and Marketing Service, operations under section 32 of Public Law 320, 74th Cong., as amended (7 U.S.C. 612c), and related statutes, and section 6 of the National School Lunch Act, as amended (42 U.S.C. 1755).

p. Commodity procurement and supply, transportation, handling, payment and related services for the Foreign Agricultural Service in connection with foreign assistance programs under the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480, 83d Cong.; Public Law 89-808); and payment and related services for the Foreign Agricultural Service with respect to export subsidy and barter operations.

q. Fiscal and accounting functions in connection with Public Law 480 transactions and commercial exports of privately-owned agricultural commodities under CCC Export Credit Sales Program (15 U.S.C. 714c(f)), and section 4, Public Law 89-808, including determination and handling of claims by or against CCC arising therefrom.

r. Functions relating to agreements under section 708 of the National Wool Act of 1954, as amended (7 U.S.C. 1787).

s. Other functions on behalf of Commodity Credit Corporation, as assigned in accordance with CCC bylaws.

t. Responsibility to serve as the focal point in the Department for consultation on the leasing of federally owned farm lands to insure consistency with the Government's farm program to reduce production of price-supported crops in surplus supply, and determination and proclamation of agricultural commodities in surplus supply pursuant to section 125 of the Agricultural Act of 1956 (7 U.S.C. 1813).

u. Functions relating to indemnity payments to dairy farmers under Public Law 90-95 (42 U.S.C. 2881).

v. Responsibility for coordinating and preventing duplication of aerial photographic work of the Department, including: (1) Clearing of photography projects; (2) assigning symbols for new aerial photography, maintaining symbol records, and furnishing symbol books; (3) recording departmental aerial photography flown and coordinating the issuance of aerial photography status maps of latest coverage; (4) promoting interchange of technical information and techniques to develop lower costs and better quality; (5) representing the Department on the Interagency Committee on Sales Prices of Aerial Photographic Reproductions and serving as liaison with other governmental agencies on aerial photography and related activities including classification of departmental aerial photography but excluding mapping; and (6) providing a Chairman for the Photography Sales Committee of the Department.

w. Supervision and direction of Agricultural Stabilization and Conservation

Service State and county offices, and designation of functions to be performed by Agricultural Stabilization and Conservation State and County Committees.

x. Activities under the Strategic and Critical Materials Stockpiling Act (50 U.S.C. 98-98h), except as otherwise assigned in this Delegation of Authority and Assignment of Functions.

y. Refinancing operations pursuant to section 304 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2094).

z. Responsibilities and functions under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), and such other defense legislation as may be enacted, as assigned.

II. Section 121 is revised to read as follows:

121. *Reservations*—a. *Reservations to the Secretary*. (1) Designation of counties for Emergency Conservation Programs under Public Law 85-58, as amended.

(2) Appointment of State ASC Committeemen.

(3) Recommendations to the President regarding the designation of areas of major disaster under Public Law 875, 81st Congress, and regarding the designation of acute distress areas because of unemployment or other economic causes, pursuant to section 407 of the Agricultural Act of 1949, as amended; the designation of boundaries within areas declared by the President to be major disaster areas or acute distress areas under Public Law 875, pursuant to section 407 of the Agricultural Act of 1949, as amended; the designation of areas as emergency areas under section 407 with respect to feed assistance for foundation herds and under Public Law 86-299 (7 U.S.C. 1427 note) with respect to feed assistance for livestock; the designation of areas in which the programs specified in sections 120 h and i above will be carried out; the execution of cooperative agreements with State Governors and heads of other Federal agencies with respect to the programs specified in section 120 g above.

(4) Final approval of regulations relating to the selection and exercise of the functions of committees promulgated under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590h(b)).

(5) Final approval of export wheat marketing certificate regulations under section 379d(b) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1379d(b)).

(6) Under section 708 of the National Wool Act of 1954, as amended (7 U.S.C. 1787), entering into agreements with, or approving agreements entered into between, marketing cooperatives, trade associations, or others engaged or whose members are engaged in the handling of wool, mohair, sheep, or goats or the products thereof.

*Effective date*. This amendment of Delegation of Authority and Assignment of Functions shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 29, 1968.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 68-2848; Filed, Mar. 6, 1968;  
8:50 a.m.]

## DEPARTMENT OF COMMERCE

### Maritime Administration

#### C4 TROOPSHIP "GENERAL W. G. HAAN"

#### Notice of Availability for Conversion and Restoration for Commercial Operation

Pursuant to the Ship Exchange Act (section 510(i) of the Merchant Marine Act, 1936), as added by Public Law 86-575 and amended by Public Law 89-254, 46 U.S.C. 1160(i), one C4 troopship owned by the United States of America, represented by the Secretary of Commerce, acting by and through the Maritime Administrator, is available to nonsubsidized American steamship operators in exchange for their older and less efficient ship in accordance with the terms herein stated. Other disposition: This notice of availability of the ship for exchange under the Ship Exchange Act shall not preclude the Maritime Administrator from pursuing such other disposition of the ship as he may deem to be in the best interest of the United States. As required by the Ship Exchange Act, approval of the Defense Department has been received for trade-out of this ship.

(a) *Basis for assignment.* Exchange of this ship will be made in accordance with the provisions of the Ship Exchange Act and of General Order 92 (46 CFR Part 375) as published in the FEDERAL REGISTER issue of March 1, 1962 (27 F.R. 2011). However, for the purpose of making assignment of the ship, applications will be closely evaluated to determine the type of conversion and resulting efficiency of the ship, including suitability of the ship for military or national defense use and the extent of upgrading of the American Merchant Marine; the applicant's operating ability; the applicant's financial responsibility; and other factors having a bearing on the intent of the Ship Exchange Act. The assignment of this ship will be subject to the applicant agreeing to certain conditions, one of which is the posting with the Maritime Administration of a certified cash deposit of \$50,000. The deposit shall accompany the acceptance of the allocation by the applicant and shall be applied by the Maritime Administration as a credit to the applicant under the contract. Should the applicant fail to enter into a ship exchange contract within a 60-day period the said \$50,000 deposit shall be retained by the Maritime Administration as liquidated damages.

(b) *Valuation.* The basis for valuation of the traded-in and traded-out vessels will be the same as previously used in the

case of the C4 troopships as announced in the FEDERAL REGISTER issues of February 1, 1964 (29 F.R. 1665, 1667), April 14, 1964 (29 F.R. 5092), June 11, 1964 (29 F.R. 7520), August 3, 1966 (31 F.R. 10425), November 17, 1967 (32 F.R. 15848), December 30, 1967 (32 F.R. 21043), and January 24, 1968 (33 F.R. 862).

(c) *Applications.* Applications for the exchange of ships shall be submitted to the Chief, Office of Ship Operations, Maritime Administration, Washington, D.C. 20235, on Form MA-182. To assist the Maritime Administration in arriving at a proper determination of the ship assignment, applications shall furnish with their applications the following information in the order listed:

(1) A statement of the applicant's ship operating ability and experience, including the number and types of American-flag ships presently owned and operated by the applicant and the trades in which operated.

(2) Name, official number, and type of ship to be traded in.

(3) Financial resources available to the applicant and proposed method of financing.

(4) Outline plans and description of the proposed ship conversion and, in the case of a containership, the dimensions of the containers to be used and the number to be carried. There shall also be included a description of the ship's cargo handling capability.

(5) Bale cubic and deadweight capacity after conversion.

(6) Estimated speed in knots after conversion.

(7) Proposed manning schedule.

(8) Estimated costs of proposed conversion and restoration for commercial operation.

(9) Description of proposed commercial trade of traded-out ship.

(10) Pro forma statement of anticipated operating results for operation in proposed commercial trade, on an annual basis.

Applications must be received on or before March 22, 1968.

(d) *Ship available.* The C4 available for assignment is:

Name	Type	Reserve fleet
General W. G. Haan....	C4-S-A1..	Beaumont, Tex.

The principal characteristics of the C4 troopship are:

Length overall—522'10";  
Beam—71'6";  
Speed—17 knots;  
Deadweight tonnage—approximately 15,000.

The notice of availability of 25 C4 troopships published in the FEDERAL REGISTER of August 3, 1966 (31 F.R. 10425), is hereby amended by this notice with respect to the C4 troopship named herein.

The notice of allocation of four C4 troopships published in the FEDERAL REGISTER of November 17, 1967 (32 F.R. 15848) is amended by deleting therefrom the allocation of the C4 troopship "Gen-

eral W. G. Haan," as this allocation has heretofore been canceled.

Dated: March 1, 1968.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,  
Secretary.

[F.R. Doc. 68-2795; Filed, Mar. 6, 1968;  
8:45 a.m.]

### Office of the Secretary

[Dept. Order 2-B]

## ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

### Organization and Functions

This material supersedes the material appearing at 31 F.R. 10700 of August 11, 1966; 31 F.R. 15548 of December 9, 1966; 32 F.R. 3405 of March 1, 1967; 32 F.R. 10271 of July 12, 1967; 32 F.R. 13339 of September 21, 1967; and 32 F.R. 16288 of November 29, 1967.

**SECTION 1. Purpose.** The purpose of this order is to prescribe the organization and assignment of functions within the Environmental Science Services Administration.

**SEC. 2. Administrator of the Environmental Science Services Administration.**

.01 The Administrator develops the objectives of the Administration, formulates policies and programs for achieving those objectives and directs execution of these programs.

.02 The Deputy Administrator assists the Administrator in formulating policies and programs and in administering these programs.

.03 The Associate Administrator assists the Administrator and the Deputy Administrator in formulating policies and programs and in administering the programs; synthesizes and evaluates ESSA marine operations and related charting services; and within policy exercises direction and management of the ESSA Commissioned Officer Corps.

.04 Liaison activities with Congress are centered in the Office of the Administrator.

**SEC. 3. Environmental Data Service.<sup>1</sup>**

The Environmental Data Service collects, processes, archives, publishes, disseminates and recalls world-wide environmental data for use by commerce, industry, the scientific and engineering community, and the general public; guides research activities pertinent to the improvement of such services; and coordinates international activities in climatological and geophysical data problems with the world scientific organizations. In support of the above objectives, the Environmental Data Service maintains environmental data centers such as the National Weather Records Center (Asheville, N.C.), the Aeronomy and Space Data Center and the geophysical data centers.

<sup>1</sup> Constitutes a principal constituent organizational entity of the Administration within the meaning of Reorganization Plan No. 2 of 1965.

.01 The Office of Environmental Data Systems processes, stores, and retrieves environmental data; develops new techniques of summarization and presentation of data in order to provide service to the user; provides ready access to environmental data and aids in their application to numerous fields of endeavor; and provides facilities for the world data centers under international auspices.

.02 The Office of Field Services exercises functional management over field staffs in the acquisition of climatological data to meet International, National, State, and municipal requirements; and ensures field outlets for the dissemination of environmental data and appropriate cooperation with local authorities.

.03 The Office of Data Information ensures proper dissemination of environmental data information to the user public and scientific community from centralized data information sources.

.04 The Laboratory for Environmental Data Research develops the analysis, processing, and interpretation of geophysical and climatological data through research activities; and anticipates needs for climatological and geophysical data for design and risk assessment and stimulates original work to meet these needs.

SEC. 4. *Weather Bureau.*<sup>1</sup> The Weather Bureau provides the national weather service, observing and reporting the weather of the United States and its possessions and issuing forecasts and warnings of weather and flood conditions that affect the Nation's safety, welfare, and economy; develops the National Meteorological Service System; participates in international meteorological and hydrological activities, including exchanges of meteorological data and forecasts; provides forecasts for domestic and international aviation and for shipping on the high seas; and provides and manages and/or coordinates an overall ESSA Operational Telecommunications System (EOTS). In support of the above objectives the Weather Bureau operates through its Regions a national network of field offices and forecast centers.

.01 The Office of Meteorological Operations observes, prepares and distributes forecasts of weather conditions and warnings of severe storms and other adverse weather conditions for protection of life and property; establishes policies and develops plans and procedures for operation of meteorological services and is the primary channel for coordination of all Weather Bureau field services operations; and manages and/or coordinates the ESSA Operational Telecommunications System (EOTS).

.02 The Office of Hydrology provides the Nation with river and flood forecasts and warnings and water supply forecasts; conducts the necessary research to improve river and flood forecasts and warnings; and analyzes and processes hydrometeorological data for broad application to water resource planning, design and operational problems.

.03 The Office of Systems Development manages, plans, designs, and develops a system to meet all meteorological

logical service requirements; develops, tests, and evaluates techniques and equipment; translates research results into operational practices; and conducts studies associated with the design of the World Weather Watch.

.04 The National Meteorological Center provides analyses of current weather conditions over the globe and depicts the current and anticipated state of the atmosphere for general national and international uses; conducts development programs in numerical weather prediction; and leads in the extension and application of advanced techniques.

.05 The Executive and Technical Services Staff provides executive assistance to the Director and technical services, e.g., facilities, maintenance, etc., in support of programs throughout the Weather Bureau.

.06 A Region provides weather service within its prescribed geographical area by issuing forecasts and warnings of weather and flood conditions; manages all operational and scientific meteorological and hydrological programs assigned to it; and conducts technical and administrative support functions.

a. A Region consists of a headquarters office, is managed by a Regional Director, and contains field offices and forecast centers reporting to the Regional Director.

b. Regions provide technical and administrative support for all components of ESSA in the respective areas of the Regions, except as may otherwise be provided because of special circumstances applicable to some field component.

c. The field structure consists of six Regions as shown in Exhibit 2.

SEC. 5. *Research Laboratories.*<sup>1</sup> The Research Laboratories conducts an integrated program of research and services relating to the oceans and inland waters, the lower and upper atmosphere, the space environment, and the solid earth to increase understanding of man's geophysical environment in order to provide the scientific basis for improved services. The Research Laboratories also serves as the central Federal agency for the conduct of research and services directed toward improving national utilization of radio, infrared, and optical waves for telecommunications. The Research Laboratories consists of the Office of the Director, located at Boulder, Colo., and other major components located at Boulder and elsewhere, as described below. Each of the other major components is a separate management unit, consisting of one or more laboratories or other groups.

.01 The Office of the Director includes:

a. The Director, Deputy Director, other immediate staff as may be required, and the following units.

b. The Office of Programs serves as focal point for policy and management advice to the Director, Research Laboratories on research and service programs; leads and coordinates program planning activities, including PPBS requirements; conducts program liaison; coordinates Research Laboratories activities in the

framework of national and international scientific programs; reviews and evaluates current programs and plans; advises on resource allocation and reallocation; develops a management information system; conducts public information functions; and provides staff assistance to the Director and his immediate staff.

c. The Office of Administrative and Technical Services provides administrative and technical services to all Research Laboratories components located at its headquarters at Boulder, Colo., and to its field locations as designated. This office also is responsible for providing services to NBS-Boulder Labs and coordinating services received from NBS under an administrative cross-servicing agreement.

.02 The Earth Sciences Laboratories conducts research in geomagnetism, seismology, geodesy and related earth sciences, seeking fundamental knowledge of earthquake processes, of internal structure and accurate figure of the earth, and the distribution of its mass.

.03 The Atlantic Oceanographic Laboratories and the Pacific Oceanographic Laboratories conduct oceanographic research toward fuller understanding of the ocean basins and borders, of oceanic processes, sea-air, and land-sea interactions as required to improve the marine scientific services and operations of the ESSA.

.04 The Atmospheric Physics and Chemistry Laboratory performs research on processors of cloud physics and precipitation and the chemical composition and nucleating substance in the lower atmosphere. The laboratory is ESSA's major focus for design and conduct of laboratory and field experiments toward developing feasible methods of practical, beneficial weather modification.

.05 The Air Resources Laboratories conducts research on the diffusion, transport, and dissipation of atmospheric contaminants, using laboratory and field experiments to develop method for prediction and control of atmospheric pollution.

.06 The Geophysical Fluid Dynamics Laboratory conducts investigations of the dynamics and physics of geophysical fluid systems to develop a theoretical basis, by mathematical modelling and computer simulation, for the behavior and properties of the atmosphere and the oceans.

.07 The National Hurricane Research Laboratory studies hurricanes and other tropical weather phenomena by observational, analytical, and theoretical means, and conducts experiments in hurricane modification to improve understanding of these phenomena and improve methods for analysis of developing tropical storms and prediction of their movement and severity.

.08 The National Severe Storms Laboratory conducts studies of tornadoes, squall lines, thunderstorms and other severe local convective phenomena in order to achieve improved methods of forecasting, detecting, and providing advance warning of their occurrence and severity.

.09 The Space Disturbances Laboratory conducts research on the nature of space disturbances and provides forecasts of these disturbances. Studies are made of the behavior of these disturbances, the mechanisms producing them, and their consequences to man's activities. Also included is the development of techniques and their use to continuously monitor those characteristics of the space environment necessary for the early detection and reporting of important disturbances.

.10 The Aeronomy Laboratory studies the nature of and the physical and chemical processes controlling the ionosphere and exosphere of the earth and other planets. The program includes theoretical, laboratory, ground-based, rocket, and satellite studies.

.11 The Wave Propagation Laboratory acts as a focal point for the development of new methods for remote sensing of man's geophysical environment. Special emphasis is given to the propagation of sound waves, and electromagnetic waves at millimeter, infrared and optical frequencies.

.12 The Institute for Telecommunication Sciences serves as the central Federal agency for the conduct of research and services on the propagation of radio waves, on the radio properties of the earth and its atmosphere, on the nature of radio noise and interference, on information transmission and antennas, and on methods for the more effective use of the radio spectrum for telecommunication purposes.

.13 The Research Flight Facility meets the requirements of ESSA and other interests for atmospheric and other environmental measurements from aircraft, and for outfitting and operating aircraft, specially instrumented for research.

**Sec. 6. Coast and Geodetic Survey.**<sup>1</sup> The Coast and Geodetic Survey provides charts for the safety of marine and air navigation; provides a basic network of geodetic control; provides basic data for engineering, scientific, commercial, industrial, and defense needs; and supports the quest for more fundamental knowledge of our geophysical environment. In performance of these functions it conducts surveys, investigations, analyses, research, and disseminates data in the following fields: Hydrography, oceanography, geodesy, cartography, photogrammetry, geomagnetism, seismology, gravity, and astronomy. In support of the above objectives the Coast and Geodetic Survey maintains certain field installations and through its Field Directors directs mobile parties and field offices.

.01 The Office of Geodesy and Photogrammetry fulfills national requirements for a system of basic geodetic control and for precise gravimetric, and global configuration and mensuration data. In accomplishment of this it establishes and maintains a geodetic control network throughout the United States and a worldwide geometric network

based on satellite observations; plans and directs geodetic, gravity, astronomic, earth movement, and photogrammetric surveys; and conducts related research in support of ESSA programs.

.02 The Office of Seismology and Geomagnetism supports the quest for a better understanding of seismic and geomagnetic phenomena and their relation to the state and structure of the earth; and fulfills national requirements for standardized seismic and geomagnetic data. In the accomplishment of this it collects, analyzes, and compiles data on a national and worldwide basis; maintains liaison with geophysicists throughout the world; and conducts related research in support of ESSA programs.

.03 The Office of Hydrography and Oceanography contributes to the safety of marine navigation through nautical charting; supports the quest for more knowledge about the states and processes of the ocean. In the accomplishment of this it plans and directs hydrographic and oceanographic surveys (including current surveys) and operates a network of tide stations; processes, analyzes, and compiles the survey data including the compilation of nautical charts for end use and dissemination; and conducts related research in support of ESSA programs.

.04 The Office of Aeronautical Charting and Cartography contributes to the safe navigation of air commerce and provides nautical and aeronautical charts for widespread use. To accomplish this it collects and evaluates air navigation information and compiles aeronautical chart manuscripts; prints and distributes nautical and aeronautical charts; maintains liaison with interests concerned with navigation regulations and information; and conducts research in support of these programs. This office also prints and distributes weather charts and related documents and provides printing, reproduction, and distribution services to ESSA.

.05 The Office of Systems Development plans, designs, and develops systems for the description, mapping and charting of the earth and for hydrographic and oceanographic service requirements where such systems cut across major Coast and Geodetic program boundaries, or when they are designated by the Director, Coast and Geodetic Survey, for special attention and support; develops, tests, and evaluates systems and system components, including instrumentation, equipment, and related manning and operational doctrines; and translates research results into Coast and Geodetic operational systems.

.06 The Executive and Technical Services Staff provides executive assistance to the Director and technical services in support of programs throughout the Coast and Geodetic Survey.

.07 The Field Structure consists of the various organizational elements, as enumerated below. The location of the principal field elements are shown in Exhibit 2.

a. The Atlantic and Pacific Marine Centers, the heads of which report to the Director, Coast and Geodetic Survey.

b. Five Field Directors who report to the Director, Coast and Geodetic Survey, and are responsible for managing mobile parties and chart information and distribution field offices.

c. Observatories, a seismology center, and a geomagnetic center which report to the appropriate program components at the headquarters of Coast and Geodetic Survey.

**Sec. 7. National Environmental Satellite Center.**<sup>1</sup> The National Environmental Satellite Center provides observations of the environment by means of satellites; increases the utilization of satellite data in the environmental sciences; establishes and operates a national environmental satellite system; manages and coordinates all operational satellite programs within ESSA and certain research-oriented satellite programs; conducts satellite systems engineering and research; and coordinates satellite activities with NASA and DoD. The National Environmental Satellite Center operates certain field installations such as Command and Data Acquisition Stations at locations required by the satellite system.

.01 The Office of Operations provides data from environmental satellites and increases the value and the use of these data; operates the environmental satellite systems; collects, processes and analyzes data from operational and specified research and development satellites; develops new and improved applications of satellite data; and maintains close relations with prime users of satellite data within ESSA and externally with NASA and DoD.

.02 The Office of System Engineering provides the planning, design, and engineering necessary to fulfill ESSA's requirements for environmental satellite systems; conducts systems design and analysis; explores possible multipurpose uses of environmental satellite systems; performs the engineering required to implement new or modified satellite systems; and maintains close relations with NASA and DoD.

.03 The Office of Research improves understanding of the environment through satellite data and provides new and improved satellite measurement techniques and applications; and maintains close relations within ESSA, particularly with the Institutes for Environmental Research.

**Sec. 8. General Staff Offices.** .01 The Assistant Administrator for Plans and Programs provides ESSA with a focal point for the development, implementation and maintenance of an effective planning and programing system throughout ESSA and for the development of plans for meeting approved ESSA objectives; in close collaboration with line and staff organizations develops a realistic 5-year program and compatible financial plans from which ESSA budgets can be formulated, and con-

ducts a continuing evaluation of ESSA programs and accomplishments; provides advice and guidance to the Administrator on the program aspects of resource allocations, retrenchments, and reprogramming; and considers the availability and utilization of all pertinent ESSA resources in the accomplishment of these functions.

a. The Plans and Requirements Division provides guidance and direction for ESSA's major program areas with regard to long range goals and plans, applying such planning factors as forecasts of technological advances, user needs and ESSA resource capacity and availability; develops Program Memoranda; sets forth needs for future ESSA service programs and related research and development working closely with line and staff organizations and other agencies as appropriate; develops those plans which cut across major organizational lines; assists the Major Line Components as necessary, in the development of service, research and other plans; reviews and evaluates plans prepared by the Major Line Components; evaluates and validates requirements implying major new resource commitments; and recommends legislative proposals when an ESSA service response to requirements is deemed desirable but not covered by existing legislation.

b. The Programs Division, in collaboration with line and staff organizations, prepares and maintains ESSA's 5-year program and the corresponding financial plan identifying program outputs and gross cost estimates; in collaboration with the Budget Division, integrates the program and financial plan with ESSA's annual budget; serves as the ESSA focal point for program information for the Office of the Federal Coordinator for Meteorological Services and Supporting Research, and for other similar activities; and in collaboration with the Management Information Center, develops and maintains a program reporting system including an information management subsystem.

c. The Program Evaluation Division reviews and evaluates current and projected programs for need, consistency, balance and compatibility with overall plans and policy; coordinates ESSA program common to two or more major line components; provides advice and guidance to the Administrator on the program aspects of resource allocations, retrenchments and reprogramming.

d. The User Affairs Group provides guidance and coordination in the determination and development of ESSA policy on user relationships; represents ESSA Headquarters as required on inter-agency boards, panels and committees concerning ESSA environmental services; operates the ESSA Emergency Hazards Warning Information Center; and arranges for surveys following natural disasters and conducts such surveys as directed.

.02 The Assistant Administrator for Administration and Technical Services provides a full range of administrative and technical services throughout the

Administration; exercise functional supervision over such services performed elsewhere in ESSA; provides advice and guidance to the Administrator on the allocation of ESSA resources to insure the effective and economic conduct of ESSA programs. The Assistant Administrator's office is comprised of the following organizational components.

a. The Administrative Operations Division provides services throughout the Administration consisting of property, procurement and supply management; paperwork management systems including ESSA directives; space and facilities management; travel and transportation services; mail and messenger services, and related office services; graphics services; safety; security; and tort claims.

b. The Budget Division analyzes and aggregates ESSA's budgetary requirements, prepares and coordinates formal budget documents for consideration by appropriate elements of the Executive and Legislative Branches; and develops, applies, and reviews fiscal plans to insure that appropriations and other available funds are used properly and economically, and reflects these reviews by providing input to ESSA's management information system.

c. The Finance Division provides central accounting support for ESSA, reviews needs of ESSA and its operating units for accounting data and develops systems of financial reporting to insure a sound accounting and management of ESSA's financial resources; maintains and processes accounts and other records to reflect fund status, obligations, costs, and program expenditure.

d. The Management and Organization Division provides management analysis and related staff services throughout the Administration by conducting or participating in surveys, studies, and analyses designed to improve organization, management systems, and procedures; participates in organization planning and documentation; maintains a system of position control, and develops systems for measuring production and performance efficiency.

e. The Personnel Division provides personnel management services throughout the Administration by conducting recruitment, employment, classification and compensation, employee relations, labor relations, incentive awards, and career development activities for civil service and commissioned personnel.

f. The Computer Division provides a data processing service facility, staff support, ADP management, and technical advice for all ESSA components; reviews and participates in the acquisition of ADP equipment to insure conformance with external and internal regulations; and serves as the single focal point for dealing with the Office of Management and Organization, Office of the Secretary, on matters involving data processing equipment.

g. The Scientific Information and Documentation Division develops and conducts a comprehensive program of scientific information and documentation, including library and editing serv-

ices, to serve all elements of ESSA, and to convey the results and progress of ESSA's programs to the scientific community and other appropriate interests.

h. The Management Information Center serves as a center for management information, by developing and operating an integrated system for the collection, presentation, and dissemination of information essential to the managers at various levels in ESSA; coordinates the development of subsystems; and provides data for the planning-programming-budgeting system.

SEC. 9. *Special Staff Offices.* .01 The Office of International Affairs formulates and coordinates policies, plans, and procedures for U.S. participation in international activities in the environmental sciences; manages and coordinates ESSA's international training program; and advises on special programs for bilateral cooperation with foreign countries in the environmental sciences, including U.S. AID programs and Public Law 480 programs.

.02 The Office of Public Information plans and conducts an information program for the Administration which presents ESSA accomplishments and activities to the public, Congress, environmental data user groups, and Administration employees; coordinates public information activities within the Administration; and maintains close contact with communications media.

.03 The Office of Aviation Affairs coordinates aviation user requirements, balancing them against available resources; establishes objectives and recommends policies for aviation service; serves as aviation services adviser to the Administrator and his senior line managers; and advises the Administrator, FAA, on ESSA aviation service programs.

.04 The Office of World Weather Systems provides leadership and coordination in the development of plans and operations for U.S. participation in the cooperative international program in meteorology known as the World Weather Watch; develops requirements to meet U.S. commitments in this program; and determines and advises ways to derive maximum benefit from this global weather program.

SEC. 10. *Special Office.* The following office performs special Government-wide responsibilities assigned to the Administration.

The Office of the Federal Coordinator for Meteorological Services and Supporting Research coordinates Federal meteorological activities and prepares plans for the efficient utilization of Federal meteorological services and supporting research; and maintains relations with all Federal agencies engaged in meteorological operations and supporting research.

Effective date: February 23, 1968.

DAVID R. BALDWIN,  
Assistant Secretary  
for Administration.

[F.R. Doc. 68-2787; Filed, Mar. 6, 1968; 8:45 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 27-33]

## LABORATORY FOR ELECTRONICS INC., TRACERLAB DIVISION

### Notice of Issuance of Amendment of Byproduct, Source, and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 4 to License No. 20-1382-14 as set forth below. This license amendment provides for the following:

1. Renewal of the license for a period of 5 years.
2. An increase in the amount of hydrogen 3 which the licensee may possess at any one time from 500 to 1,000 curies.
3. An increase in the use of any other byproduct material which the licensee may possess at any one time from 100 to 200 curies.

This license provides for receipt, possession, and storage of packaged radioactive waste materials at a facility located at 1601 Trapelo Road, Waltham, Mass.

The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve any hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by the issuance of this license amendment may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. Petitions to intervene or requests for public hearings may be filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., March 1, 1968.

For the Atomic Energy Commission.

J. A. McBRIDE,  
Director,

Division of Materials Licensing.

[License No. 20-1382-14, Amtd. 4]

The Atomic Energy Commission having found that:

A. The licensee's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property.

B. The licensee is qualified by training and experience to use the material for the purpose requested in accordance with the regulations in Title 10, Code of Federal Regulations, and in such manner as to pro-

tect health and minimize danger to life or property.

C. The application for license amendment dated November 15, 1967, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations, and is for a purpose authorized by that Act.

D. Issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

Byproduct, Source, and Special Nuclear Material License No. 20-1382-14 is amended as follows:

Condition 1 is amended to read:

1. The licensee shall not possess at any one time more than:

- A. 1,000 curies of hydrogen 3
- B. 200 curies of other byproduct material
- C. 500 pounds of source material
- D. 250 grams of special nuclear material

This amendment is effective on the date issued. This license shall expire on February 28, 1973.

Date of issuance: March 1, 1968.

For the Atomic Energy Commission.

J. A. McBRIDE,  
Director,  
Division of Materials Licensing.

[F.R. Doc. 68-2786; Filed, Mar. 6, 1968;  
8:45 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Canadian Change List No. 239]

## CANADIAN BROADCAST STATIONS

### List of Changes, Proposed Changes, and Corrections in Assignments

FEBRUARY 20, 1968.

Notification under the provision of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in assignment of Canadian Broadcast Stations modifying Appendix containing Assignments of Canadian Stations (Mimeograph No. 47214-3) attached to the Recommendation of the North American Regional Broadcasting Agreement Engineering Meeting.

Call Letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
CBU (change in pattern from that notified in List No. 229. PO: 690 kc/s 10 kw DA-1).	Vancouver, B.C.	690 kilocycles 50 kw	DA-1	U	II	E.I.O. 1-15-69.
CJYR (change in pattern from that notified in List No. 229. Assignment of call letters).	Edson, Alberta	970 kilocycles 10 kw	DA-1	U	III	E.I.O. 1-15-69.
CHOK (change in nighttime pattern from that notified in List No. 227. PO: 1070 kc/s 5 kw D/1kwN DA-N).	Sarnia, Ontario	1070 kilocycles 10 kw	DA-2	U	II	E.I.O. 1-15-69.
CJRC (assignment of call letters).	Ottawa, Ontario	1150 kilocycles 10 kw D/5 kw N	DA-2	U	III	

FEDERAL COMMUNICATIONS COMMISSION,  
BEN F. WAPLE,  
Secretary.

[SEAL]

[F.R. Doc. 68-2825; Filed, Mar. 6, 1968; 8:48 a.m.]

[Docket No. 17849; FCC 68M-321]

## AMERICAN TELEVISION CO., INC.

### Order Rescheduling Hearing

In re application of American Television Co., Inc., Fort Smith, Ark., for construction permit, Docket No. 17849, File No. BPH-5831.

For reasons obvious from the posture of the above matter:

It is ordered, By the Hearing Examiner on his own motion that the hearing now

scheduled for March 25, 1968 is rescheduled to commence at 10 a.m., April 22, 1968, in Fort Smith, Ark. in a location in that city to be hereafter announced.

Issued: February 26, 1968.

Released: February 28, 1968.

FEDERAL COMMUNICATIONS  
COMMISSION,  
BEN F. WAPLE,  
Secretary.

[SEAL]

[F.R. Doc. 68-2826; Filed, Mar. 6, 1968;  
8:48 a.m.]

[Docket Nos. 17670-17672; FCC 68M-324]

**DURHAM-RALEIGH TELECASTERS,  
INC., ET AL.**

**Order Rescheduling Hearing**

In re applications of Durham-Raleigh Telecasters, Inc., Durham, N.C., Docket No. 17670, File No. BPCT-3882; Triangle Telecasters, Inc., Durham, N.C., Docket No. 17671, File No. BPCT-3883; WTVY, Inc., Durham, N.C., Docket No. 17672, File No. BPCT-3885; for construction permit for new television broadcast station (Channel 28).

The Hearing Examiner having under consideration a joint request for continuance of all hearing dates filed February 23, 1968;

It appearing, that the evidentiary hearing herein is presently scheduled to commence March 11, 1968;

It further appearing, that petitioners plead that there has been an agreement executed which looks to the reimbursement of certain expenses and dismissal of one of the applicants and the merger of the two remaining applicants;

It further appearing, that petitioners plead that said agreement, together with a joint request for approval, will be filed with the Commission which, if approved, will render unnecessary an evidentiary hearing;

It further appearing, that good cause exists why said request should be granted and there is no opposition thereto:

Accordingly, it is ordered, That the joint request is granted, and the hearing now scheduled for March 11, 1968, be and the same is hereby rescheduled for July 31, 1968, 10 a.m., in the Commission's offices, Washington, D.C.

Issued: February 27, 1968.

Released: February 28, 1968.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 68-2827; Filed, Mar. 6, 1968;  
8:48 a.m.]

[Docket No. 18038; FCC 68M-365]

**DALE W. FLEWELLING**

**Order Scheduling Hearing**

In the matter of revocation of the license of Dale W. Flewelling, for FM broadcast station KXRQ, Sacramento, Calif.

It is ordered, That Hearing Examiner Jay A. Kyle shall serve as Presiding Officer in the above-entitled proceeding; and that the hearing therein shall be held in Sacramento, Calif., commencing at 10 a.m., April 16, 1968; And, it is further ordered, That a prehearing conference in the proceeding shall be convened in the offices of the Commis-

sion, Washington, D.C., at 9 a.m., on March 11, 1968.

Issued: February 29, 1968.

Released: March 1, 1968.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 68-2828; Filed, Mar. 6, 1968;  
8:48 a.m.]

[Docket Nos. 17778, 17779; FCC 68M-364]

**GRAYSON TELEVISION CO., INC.,  
AND HERCULES BROADCASTING CO.**

**Order Continuing Prehearing  
Conference**

In re applications of Grayson Television Co., Inc., Sacramento, Calif., Docket No. 17778, File No. BPCT-3698; Hercules Broadcasting Co., Sacramento, Calif., Docket No. 17779, File No. BPCT-3812; for construction permit for new television broadcast station;

It is ordered, That Hearing Examiner Jay A. Kyle, in lieu of Hearing Examiner Chester F. Naumowicz, Jr., shall serve as Presiding Officer in the above-entitled proceeding; and that a prehearing conference in the proceeding shall be convened in the Offices of the Commission, Washington, D.C., at 9 a.m., March 11, 1968.

Issued: February 29, 1968.

Released: March 1, 1968.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 68-2829; Filed, Mar. 6, 1968;  
8:48 a.m.]

[Docket No. 18017, 18018; FCC 68M-325]

**MARK TWAIN BROADCASTING CO.  
AND GREAT RIVER COMMUNICA-  
TIONS, INC.**

**Order Scheduling Hearing**

In re applications of Mark Twain Broadcasting Co., Hannibal, Mo., Docket No. 18017, File No. BPH-5729; Great River Communications, Inc., Hannibal,

<sup>1</sup> Hearing Examiner Kyle is serving also as Presiding Officer in the matter of revocation of the license held by Dale W. Flewelling for FM Broadcast Station KXRQ, Sacramento, Calif. (Docket 18038). Mr. Flewelling is Vice President and 14 percent stockholder in Grayson Television Co., Inc., supra. Heretofore, hearings in the above-entitled Grayson-Hercules comparative proceeding were scheduled to be held in the Offices of the Commission, Washington, D.C. However, it is appropriate that Hearing Examiner Kyle receive evidence under issues 1 (c) through (f) of the latter proceeding in the hearing to be held in Sacramento, Calif., commencing April 16, 1968, in the aforementioned KXRQ revocation matter.

Mo., Docket No. 18018, File No. BPH-6058; for construction permits.

It is ordered, That Basil P. Cooper shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on May 16, 1968, at 10 a.m.; and that a prehearing conference shall be held on April 24, 1968, commencing at 9 a.m.; And, it is further ordered, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: February 19, 1968.

Released: February 28, 1968.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 68-2830; Filed, Mar 6, 1968;  
8:48 a.m.]

[Docket Nos. 17401, 17403; FCC 68R-74]

**MIAMI BROADCASTING CORP. AND  
MISSION EAST CO.**

**Memorandum Opinion and Order  
Enlarging Issues**

In re applications of Miami Broadcasting Corp., Miami, Fla., Docket No. 17401, File No. BPH-4910; Mission East Co., Miami, Fla., Docket No. 17403, File No. BPH-5481; for construction permits.

1. This proceeding, in which the above-captioned applicants are seeking an authorization for a new FM broadcast station at Miami, Fla., was designated for hearing by order (Mimeo No. 99985), released May 5, 1967. On May 25, 1967 Mission East Co. (Mission), filed a motion to enlarge issues, which requested, inter alia, the addition of a real party in interest issue against Miami Broadcasting Corp., (Miami). In a memorandum opinion and order, 9 FCC 2d 694, 10 RR 2d 1037 (1967), the Review Board, on grounds discussed herein, refused to add the issue.<sup>1</sup> Presently before the Board is a motion to enlarge issues, filed January 12, 1968, by Mission, which again seeks the addition of a real party in interest issue against Miami on the basis of new evidence.<sup>2</sup>

2. Mission's initial request for a real party in interest issue was based on the affidavits of various individuals who were present at several meetings during which dismissal of Miami's application was discussed. The affidavits recited that one James J. James, whose name does not appear as a principal in the Miami application, represented to those convened

<sup>1</sup> On Aug. 17, 1967, Mission filed an application for review of this ruling, which is presently pending before the Commission.

<sup>2</sup> The following related pleadings are also before the Board: (a) Support of motion to enlarge issues, filed Jan. 24, 1968, by the Broadcast Bureau; (b) opposition, filed Jan. 25, 1968, by Miami; and (c) reply to opposition, filed Feb. 6, 1968, by Mission.

that he had complete control and was the actual owner of Miami. In response, James denied such representations and any interest in the applicant; Miami's four listed owners averred that the corporate stock which each of them legally and beneficially owned had been purchased with their own funds, and that future transfer was not contemplated; and the Chairman of the Board affirmed that James had no authority to attend meetings or negotiate on behalf of Miami. The Broadcast Bureau opposed the addition of an issue if Miami, under oath, denied that James had any interest in the applicant. In its memorandum opinion and order, supra, the Board denied the motion primarily because the "essential element to the charge of undisclosed principal [was] missing, i.e., a connecting link between James and the corporation."<sup>3</sup>

3. In its present petition, Mission allegedly has uncovered the "connecting link" and again seeks to have the issues in this proceeding enlarged to include an undisclosed principal issue. The instant request is allegedly based on new facts learned through testimony offered at hearing sessions held on January 2-4, 1968. At these sessions, Blake McCoach (who now owns 50 percent of Miami's stock) testified as to his business relations with James J. James. He indicated that he presently works full time (50-55 hours per week) for the Greater Miami Journal, a newspaper which he owns jointly with James, and Advertising House, Inc., an advertising and public relations business, owned exclusively by James; that he devotes approximately one-fourth of his time to the agency and three-fourths to the newspaper, from which he derives three-fourths and one-fourth of his income, respectively; that he proposes to work 40 hours per week for the FM station for which he will not receive compensation; and that, with James' approval, he will continue to receive substantially the same income from his present positions. Mission argues that, considering Miami's first-year budget of \$32,000, by agreeing to continue McCoach's compensation at the newspaper and the agency, James is " \* \* \* thus underwriting a significant portion of the operation of the station." In addition, McCoach's testimony revealed that the main studio indicated in Miami's application is a building presently occupied by the Greater Miami Journal and Advertising House, Inc., and personally owned by James. Furthermore, when questioned as to Miami's furniture and equipment needs, McCoach testified that items such as typewriters, furniture, and file cabinets would be furnished, in part, by the Greater Miami Journal, of which James is part owner and publisher. Therefore, petitioner concludes that "[t]hese facts, together with the extended course of conduct of Mr. James,

<sup>3</sup> Mission attempted to demonstrate this relationship through the business association of James J. James and Blake A. McCoach, then owner of 40 percent of Miami's stock. The Board deemed the showing made at that time to be insufficient.

\* \* \* present an exceedingly strong and persuasive prima facie case than (sic) a hidden interest is involved." The Broadcast Bureau supports the motion for an additional issue on the evidence outlined above.

4. In opposition, Miami has set out pertinent portions of McCoach's testimony in an effort to demonstrate that Mission has "slanted its interpretation in order to support its renewed claim of a hidden party-in-interest." Miami argues that a "close reading" of this testimony indicates that McCoach has trained competent individuals to assume his newspaper responsibilities so that he will be able to devote his efforts to the station; that the reduction of time he now divides between the newspaper and the agency will come largely from the latter, of which he is part owner; and that his present income is derived, in part, from advertising accounts and freelance writing which do not necessarily depend on the amount of time he devotes to these endeavors. Thus, Miami concludes that McCoach's testimony concerning his income " \* \* \* is consistent with the supervisory capacity he holds at the advertising agency and with his ownership of the newspaper." Miami further contends that McCoach's testimony establishes that when Miami proposed to use the building owned by James it agreed to pay \$200 per month for such use; and that this site was specified in its application through error, as reflected by the fact that an amendment filed September 20, 1967, included a lease agreement for the land actually intended for use as its studio and transmitter site.<sup>4</sup> Finally, Miami notes that the disputed testimony reveals that the furniture and equipment which would be available to the station consists of "excess" and "unused" furnishings, and would be provided by R. O. Lovell and McCoach. Thus, Miami argues that James is in no way "underwriting" the corporation, nor is such assistance necessary in light of the \$125,000 bank loan available to this applicant.<sup>5</sup>

5. As previously indicated, Mission's initial request was based primarily on affidavits indicating that James represented that he was the real party in interest in Miami's application. The Review Board denied this request, however, because the only connections shown between James and Miami were that McCoach, who was then one of four principals of Miami, was an officer in an advertising firm owned by James, and that they were associated in the newspaper business. Since that time, McCoach, who is also proposed as general

<sup>4</sup> Miami indicates that on Jan. 23, 1968, it filed a request for permission to amend its application to specify the correct main studio location. The amendment was accepted by order, FCC 68M-249, released Feb. 13, 1968.

<sup>5</sup> This loan commitment from the Curtiss National Bank of Miami Springs, Fla., has previously been the subject of controversy in this proceeding, resulting in memorandum opinion and order, FCC 68R-2, released Jan. 8, 1968.

manager and program director in Miami's application, has become a 50 percent owner of Miami. The testimony now relied on by Mission reveals that McCoach derives most of his income from the advertising agency and newspaper; that he will receive no salary from the proposed station; and that he will continue to receive a substantial portion of his earnings from the advertising agency and newspaper even though approximately three-fourths of his time will be devoted to the station. It has long been held that a doubt as to real party in interest is created where there exists an employer-employee relationship and it is not disclosed that the employer proposes to supply the employee applicant with funds to operate the station. See Heitmeier v. FCC, 68 App. D.C. 180, 95 F. 2d 91 (D.C. Cir. 1937). The circumstances here raise a similar doubt. While Miami's explanation of these circumstances is plausible, the Board is of the opinion that these circumstances, considered together with the previous allegations concerning representations made by James, are sufficient to warrant an evidentiary inquiry.

6. Accordingly, it is ordered, That the motion to enlarge issues, filed January 12, 1968, by Mission East Co., is granted; and that the issues in this proceeding are enlarged by the addition of the following issue: To determine whether Miami Broadcasting Corp. and its two stockholders, Blake A. McCoach and R. O. Lovell are the real parties in interest in the Miami application and whether James J. James has an undisclosed interest in said application.

7. It is further ordered, That the burden of proceeding with the introduction of evidence on the issue added herein will be on Mission East Co., and the burden of proof will be on Miami Broadcasting Corp.

Adopted: February 26, 1968.

Released: February 29, 1968.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 68-2831; Filed, Mar. 6, 1968; 8:48 a.m.]

[Docket Nos. 17609, 17610; FCC 68M-333]

**MINSHALL BROADCASTING CO., INC.,  
AND UNIVERSITY CITY TELEVISION  
CABLE CO., INC.**

#### Order Rescheduling Hearing

In re applications of Minshall Broadcasting Co., Inc., Gainesville, Fla., Docket No. 17609, File No. BPCT-3879; University City Television Cable Co., Inc., Gainesville, Fla., Docket No. 17610, File No. BPCT-3939; for construction permit for new television broadcast station.

Pursuant to a hearing conference as of this date: *It is ordered*, That the hearing now scheduled for March 21, 1968, be and the same is hereby rescheduled

for March 18, 1968, 10 a.m., in the offices of the Commission, Washington, D.C.

Issued: February 27, 1968.

Released: February 29, 1968.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 68-2832; Filed, Mar. 6, 1968;  
8:48 a.m.]

[Docket No. 17635; FCC 68M-332]

T. J. SHRINER

Order Continuing Hearing  
Conference

In re application of T. J. Shriner, Bel-  
laire, Tex., Docket No. 17635, File No. BP-  
12137, for construction permit.

Because of a conflict in the hearing  
schedule: *It is ordered*, That the hearing  
conference now scheduled for March 18,  
1968, be and the same is hereby resched-  
uled for March 19, 1968, 9 a.m., in the  
Commission's offices, Washington, D.C.

Issued: February 27, 1968.

Released: February 29, 1968.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 68-2833; Filed, Mar. 6, 1968;  
8:48 a.m.]

[Docket No. 17976; FCC 68M-319]

WEST MICHIGAN TELECASTERS, INC.

Order Continuing Hearing

In the matter of West Michigan Tele-  
casters, Inc., Battle Creek, Mich., Docket  
No. 17976, File No. BPTT-1337, for con-  
struction permit for UHF television  
broadcast translator station.

*It is ordered*, Pursuant to the agree-  
ments reached in the prehearing con-  
ference held herein on February 23, 1968,  
that the following procedural dates shall  
govern the course of this proceeding ex-  
cept as to the agreed to hearing date, the  
Hearing Examiner having in the mean-  
time been designated as presiding officer  
in a reassigned proceeding with which  
the agreed to hearing date of April 16,  
1968 is in conflict:

1. All written exhibits to be offered in  
the affirmative presentations shall be  
exchanged among the parties and copies  
thereof provided the Hearing Examiner  
on April 2, 1968. On this same date noti-  
fication of the names of all witnesses and  
the general area of testimony of each  
witness to be offered in the affirmative  
presentations shall be provided the other  
parties and the Hearing Examiner. Ex-  
hibits, if any, sponsored by a party who  
is not a principal and is not noted as a  
witness shall be sworn.

2. Notification of witnesses desired  
for cross-examination on the sworn ex-  
hibits shall be given on or before April  
10, 1968.

3. The hearing presently scheduled  
for March 18, 1968 is continued to a date  
to be subsequently specified.

Issued: February 26, 1968.

Released: February 28, 1968.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 68-2835; Filed, Mar. 6, 1968;  
8:49 a.m.]

[Docket Nos. 18019-18021; FCC 68M-326]

WORLD CHRISTIAN RADIO  
FOUNDATION, INC., ET AL.

Order Scheduling Hearing

In re applications of the World Chris-  
tian Radio Foundation, Inc., Pompano  
Beach, Fla., Docket No. 18019, File No.  
BPH-5861; Almaridon, Incorporated of  
Florida, Pompano Beach, Fla., Docket  
No. 18020, File No. BPH-5928; Sunrise  
Broadcasting Corp., Pompano Beach,  
Fla., Docket No. 18021, File No. BPH-  
5931; for construction permits.

*It is ordered*, That Charles J. Frederick  
shall serve as Presiding Officer in the  
above-entitled proceeding; that the hear-  
ings therein shall be convened on May  
15, 1968, at 10 a.m.; and that a prehear-  
ing conference shall be held on April 25,  
1968, commencing at 9 a.m.: *And, it is  
further ordered*, That all proceedings  
shall take place in the offices of the Com-  
mission, Washington, D.C.

Issued: February 19, 1968.

Released: February 28, 1968.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 68-2836; Filed, Mar. 6, 1968;  
8:49 a.m.]

STANDARD BROADCAST APPLI-  
CATIONS READY AND AVAILABLE FOR  
PROCESSING

MARCH 1, 1968.

Notice is hereby given, pursuant to  
§ 1.571(c) of the Commission's rules, that  
on April 12, 1968, the standard broadcast  
applications listed in the appendix be-  
low will be considered as ready and avail-  
able for processing. Pursuant to §§ 1.227  
(b) (1) and 1.591(b) of the Commission's  
rules, an application, in order to be con-  
sidered with any application appearing  
on the attached list or with any other ap-  
plication on file by the close of business  
on April 11, 1968, which involves a con-  
flict necessitating a hearing with an ap-  
plication on this list, must be substan-  
tially complete and tendered for filing  
at the offices of the Commission in Wash-  
ington, D.C., by whichever date is earlier:  
(a) The close of business on April 11,  
1968, or (b) the earlier effective cut-off  
date which a listed application or by any  
other conflicting application may have  
by virtue of conflicts necessitating a

hearing with applications appearing on  
previous lists.

The attention of any party in interest  
desiring to file pleadings concerning any  
pending standard broadcast application  
pursuant to section 309(d) (1) of the  
Communications Act of 1934, as  
amended, is directed to § 1.580(i) of the  
Commission's rules for provisions gov-  
erning the time for filing and other re-  
quirements relating to such pleadings.

Adopted: February 29, 1968.

Released: March 4, 1968.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

APPENDIX

Applications from the top of the processing  
line:

- BP-17638 New, Camden, S.C.  
Barry Broadcasting Co.  
Req: 1130 kc, 1 kw, Day.
- BP-17828 KBRR, Leadville, Colo.  
Continental Divide Broadcasting  
Co., Inc.  
Has: 1230 kc, 250 w, U.  
Req: 1230 kc, 250 w, 1 kw-LS, S.H.
- BP-17848 KHOS, Tucson, Ariz.  
Grabert, Inc., Radio Enterprises.  
Has: 940 kc, 250 w, DA-2, U.  
Req: 940 kc, 250 w, 1 kw-LS, DA-  
2, U.
- BP-17849 New, Red Springs, N.C.  
K & R Broadcasting Corp.  
Req: 1510 kc, 1 kw, 500 w(CH),  
Day.
- BP-17856 KMFB, Mendocino, Calif.  
Mathew V. Huber and Maria J.  
Huber, joint tenants.  
Has: 1520 kc, 1 kw, Day.  
Req: 1300 kc, 1 kw, Day.
- BP-17858 New, Wisconsin Dells, Wis.  
Obed S. Borgen.  
Req: 990 kc, 500 w, Day.
- BP-17859 New, Winona, Miss.  
Tri-County Radio Co., Inc.  
Req: 1190 kc, 500 w, Day.
- BP-17860 New, Bentonville, Ark.  
Northwestern Communications  
Corp.  
Req: 1140 kc, 500 w, Day.
- BP-17861 KBUB, Sparks, Nev.  
KBUB, Inc.  
Has: 1270 kc, 1 kw, Day.  
Req: 1270 kc, 5 kw, DA, Day.
- BP-17862 New, Ponce, P.R.  
Zaba Radio Corp.  
Req: 1490 kc, 250 w, 1 kw-LS, U.
- BP-17863 WGHN, Grand Haven, Mich.  
Community Broadcasters, Inc.  
Has: 1370 kc, 500 w, Day.  
Req: 1370 kc, 500 w, DA-N, U.
- BP-17864 New, Seneca Falls, N.Y.  
Water-Falls Broadcasting Corp.  
Req: 1110 kc, 1 kw, Day.
- BP-17865 New, La Follette, Tenn.  
Roach Broadcasting Co.  
Req: 1540 kc, 1 kw, 500 w(CH),  
Day.
- BP-17867 WHOD, Jackson, Ala.  
Jackson Broadcasting Co., Inc.  
Has: 1290 kc, 1 kw, Day.  
Req: 1230 kc, 250 w, 1 kw-LS, U.
- BP-17868 New, Circleville, Ohio.  
Circleville Broadcasting Co.  
Req: 1540 kc, 1 kw, DA, Day.
- BP-17869 New, Heath, Ohio.  
Runnymede, Inc.  
Req: 1000 kc, 250 w, DA, Day.
- BP-17871 New, Houston, Tex.  
Space City Broadcasting Co.  
Req: 850 kc, 10 kw, DA, Day.

- BP-17872 WELK, Charlottesville, Va.  
WELK, Inc.  
Has: 1010 kc, 1 kw, Day.  
Req: 1400 kc, 250 w, 1 kw-LS, U.
- BP-17873 New, Charlottesville, Va.  
WUVA.  
Req: 1400 kc, 250 w, 1 kw-LS, U.
- BP-17874 WIXI, Lancaster, Ky.  
Lancaster Broadcasters.  
Has: 1280 kc, 500 w, Day.  
Req: 1280 kc, 1 kw, Day.
- BP-17875 WCRV, Washington, N.J.  
Warren Broadcasting Corp.  
Has: 1580 kc, 500 w, Day.  
Req: 1580 kc, 1 kw, Day.
- BP-17876 KOHO, Honolulu, Hawaii.  
Cosmopolitan Broadcasting Corp.  
Has: 1170 kc, 1 kw, U.  
Req: 1170 kc, 5 kw, U.
- BP-17880 New, Oak Ridge, Tenn.  
Leonard Broadcasting Co.  
Req: 1540 kc, 1 kw, 500 w(CH),  
Day.
- BP-17904 KLOK, San Jose, Calif.  
Radio KLOK, Inc.  
Has: 1170 kc, 5 kw, 10 kw-LS,  
DA-2, U.  
Req: 1170 kc, 5 kw, 50 kw-LS,  
DA-2, U.
- BP-17905 WKLO, Louisville, Ky.  
Mid-America Broadcasting Corp.  
Has: 1080 kc, 1 kw, 5 kw-LS, DA-  
2, U.  
Req: 1080 kc, 1 kw, 10 kw-LS,  
DA-2, U.
- BP-17908 KLUC, Las Vegas, Nev.  
Meyer (Mike) Gold.  
Has: 1050 kc, 500 w, Day.  
Req: 1140 kc, 10 kw, Day.
- BP-17912 New, Hattiesburg, Miss.  
Circuit Broadcasting Co.  
Req: 1580 kc, 1 kw, Day.
- BP-17914 New, Lake City, S.C.  
Coastline Broadcasting Co., Inc.  
Req: 1460 kc, 500 w, Day.
- BP-17915 WIZR, Johnstown, N.Y.  
WIZR Broadcasting Corp.  
Has: 930 kc, 1 kw, DA, Day.  
Req: 930 kc, 1 kw, Day.
- BP-17916 KGCA, Rugby, N. Dak.  
Rugby Broadcasters, Inc.  
Has: 1450 kc, 250 w, U.  
Req: 1450 kc, 250 w, 1 kw-LS, U.
- BP-17918 New, Fergus Falls, Minn.  
Harvest Radio.  
Req: 1410 kc, 500 w, Day.
- BP-17920 New, New Boston, Tex.  
Bowie County Broadcasting Co.,  
Inc.  
Req: 1530 kc, 1 kw, Day.
- BP-17921 New, Clifton, Ariz.  
Ira Q. Toler.  
Req: 1490 kc, 250 w, U.

Application deleted from Public Notice of  
February 21, 1967 (Mimeo No. 96350) (32  
F.R. 3243):

- BP-17844 New, Yazoo City, Miss.  
Gateway Broadcasting Co., Inc.  
Req: 1520 kc, 250 w, Day.  
(Assigned new File Number BP-18027)  
[F.R. Doc. 68-2834; Filed, Mar. 6, 1968;  
8:49 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 18650; Order No. E-26445]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

#### Order Regarding Specific Commodity Rates

Issued under delegated authority  
March 1, 1968.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated February 13, 1968, extends the validity of the specific commodity rates for baby poultry, moving from Miami to Georgetown/Port of Spain, which presently carry an expiry date of March 31, 1968.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That: Agreement CAB 19654, R-71 and R-72, be approved, provided approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,  
Secretary.  
[F.R. Doc. 68-2820; Filed, Mar. 6, 1968;  
8:47 a.m.]

## FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order 719]

### SHORT-TERM CREDIT SERVICE

#### Authority and Order of Precedence of Certain Officers To Act as Deputy Governor and Director

MARCH 1, 1968.

1. In the event that the Deputy Governor and Director of Short-Term Credit Service, Farm Credit Administration, is absent or is not able to perform the duties of his office for any other reason, the officer who is the highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Short-Term Credit Service:

(1) Paul Fankhauser, Deputy Director, Short-Term Credit Service.

(2) Lester L. Arnold, Assistant Director, Short-Term Credit Service.

(3) Julius H. Porter, Assistant Director, Short-Term Credit Service.

(4) Lee R. Brobst, Chief, Credit Division, Short-Term Credit Service.

(5) John F. Hudson, Jr., Chief, Fiscal and Operations Division, Short-Term Credit Service.

2. This order shall be and become effective on the date above written and supersedes Farm Credit Administration Order No. 710 (31 F.R. 12927).

R. B. TOOTELL,  
Governor,  
Farm Credit Administration.

[F.R. Doc. 68-2816; Filed, Mar. 6, 1968;  
8:47 a.m.]

## FEDERAL POWER COMMISSION

[Docket Nos. RP68-17, RP67-21]

### NATURAL GAS PIPELINE COMPANY OF AMERICA

#### Order Providing for Hearing, Sus- pending Proposed Revised Tariff Sheets, Consolidating Proceedings, and Prescribing Procedures

FEBRUARY 29, 1968.

Natural Gas Pipeline Company of America (Natural) tendered for filing on January 30, 1968, 23 tariff sheets containing proposed changes to its FPC Gas Tariff, Second Revised Volume No. 1.<sup>1</sup> The proposed changes would increase rates above those currently effective,<sup>2</sup> providing higher revenues of \$13,110,000 per year from rate schedules CD-1, CD-2, G-1, G-2, and PL-1, \$620,426 from rate schedule S-1, and \$7,445 from rate schedule F-1. In addition to these rate level changes Natural has included an "Emergency Delivery" provision in its rate schedules CD-1, CD-2, G-1, G-2, and PL-1. Natural proposes that the changes become effective on March 1, 1968.

We have the gravest doubts as to the propriety of a "pancaked" rate increase like the present one filed within 8 months of the one involved in RP67-21 and prior to the determination of the validity of the increase involved in that earlier case. However, in the absence of any present rule precluding such filings, or a moratorium in a previous Natural rate order, we have reluctantly accepted the filing as appropriate under section 4 of the Act.

Natural states that the principal reasons for the rate level changes filed are (1) increased costs of purchased gas,

<sup>1</sup> The proposed revised sheets are Original Sheets Nos. 10-A, 14-A, 19-AA, 19-E; First Revised Sheets Nos. 14, 19-D, 25-L; Second Revised Sheets No. 17; Third Revised Sheets Nos. 10, 11, 25-D, 25-G; Fourth Revised Sheets Nos. 5, 16, 19, 19-C; Sixth Revised Sheets Nos. 6, 12, 15, 18; Seventh Revised Sheets Nos. 9, 13, 19-A.

<sup>2</sup> Natural's currently effective rates are being collected subject to refund and are the subject of the pending proceeding in Docket No. RP67-21. Order issued Feb. 2, 1968.

(2) the need for a 7½ percent rate of return, (3) an estimated increase in Federal income tax reflecting a possible 10 percent surtax, which Natural states is subject to appropriate adjustments if such tax increase does not become effective as currently proposed, (4) deduction from the rate base of Account 282 as of March 1, 1961, instead of February 3, 1964, and (5) substantial increases in other costs, such as salaries, which have occurred now or will occur before July 31, 1968. The inclusion of an emergency delivery provision is in response to a suggestion by a staff witness in Docket No. RP67-21.

Analysis of the filing indicates on its face that the aforementioned claimed principal reasons for the proposed increases, and others, raise issues which should be determined on the basis of an evidentiary proceeding. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

Our review of the present filing and the filing in Docket No. RP67-21 indicates that there are issues common to both and that our decision on those issues will determine ratemaking principles for Natural's operations. Because Natural proposes to raise its currently effective rates, which are the subject of the proceeding in RP67-21, our determination of those issues in that docket would be based on a locked-in period from December 1, 1967, to August 1, 1968, the end of the suspension period ordered here. We believe that our decision on such basic issues should be made in connection with a determination of just and reasonable rates prospectively. Principles determined in this way can be applied to the locked-in period, perhaps on the basis of actual figures. It is therefore appropriate and in the public interest that the two proceedings be consolidated for purposes of hearing and decision.<sup>3</sup>

Accordingly, the dates set by the Examiner for hearing in Docket No. RP67-21 are no longer appropriate and further procedures, including dates, should be prescribed by the Examiner at the conference set by this order.

We contemplate that certain issues raised by the filings may be susceptible of hearing and decision within the 5 months' suspension period prescribed herein. In order that the collection and refunding of any possible excess charges may be avoided, we will provide a procedure which will allow an expeditious hearing on such issues.<sup>4</sup>

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that:

(1) The Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Natural's

FPC Gas Tariff, as proposed to be amended herein, and that the proposed tariff sheets listed above be suspended, and the use thereof be deferred as herein provided.

(2) The proceedings in Docket Nos. RP68-17 and RP67-21 be consolidated for hearing and decision on all matters at issue herein.

(3) The disposition of this proceeding be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held commencing on March 5, 1968, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Natural's FPC Gas Tariff, as proposed to be amended herein.

(B) Pending such hearing and decision thereon Natural's proposed revised tariff sheets listed in footnote 1 are hereby suspended and the use thereof is deferred until August 1, 1968, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Pursuant to § 1.20(b) of the Commission's rules of practice and procedure, the proceedings in Docket Nos. RP68-17 and RP67-21 are consolidated for hearing and decision.

(D) At the hearing on March 5, 1968, Natural's prepared testimony (Statement P) filed and served on February 14, 1968, together with its entire rate filing as submitted and served on January 30, 1968, shall be admitted to the consolidated record as Natural's complete case-in-chief as provided in Commission regulations § 154.63(e)(1), and Order No. 254, 28 FPC 495, subject to appropriate motions, if any, by parties to the proceeding.

(E) Following admission of Natural's complete case-in-chief, the parties shall present their views and the Presiding Examiner, in the exercise of his discretion, shall determine whether there shall be an initial phase hearing, and if so which issues shall be heard therein; if he determines that there shall be an initial phase hearing he shall fix dates for service of Staff's and intervenors' evidence and Natural's rebuttal evidence on such issues, and fix other appropriate procedures. The Examiner shall, when appropriate, establish procedures for all issues not being heard in the initial phase of the hearing. All procedures should be set by the Examiner so that the hearing may proceed as expeditiously as possible.

(F) Presiding Examiner Ewing G. Simpson, or any other designated by the Chief Examiner for that purpose shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the

Commission's rules of practice and procedure.

(G) Any party heretofore permitted to intervene in Docket No. RP67-21 may participate in these consolidated proceedings to the extent provided in the order granting them permission to intervene.

By the Commission.

[SEAL] GORDON M. GRANT,  
Secretary.

[F.R. Doc. 68-2788; Filed, Mar. 6, 1968;  
8:45 a.m.]

[Docket No. CP68-232]

## TENNESSEE GAS PIPELINE CO.

### Notice of Application

MARCH 1, 1968.

Take notice that on February 20, 1968, Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP68-232 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities necessary to take into its main transmission system additional supplies of natural gas and the attachment of natural gas reserves, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate facilities to connect natural gas reserves acquired in the Ship Shoal Area, Block 169 Field, Offshore South Louisiana, to the offshore supply system authorized in Docket No. CP65-356. The facilities required are approximately 11.8 miles of 16 to 24 inch pipeline.

The total estimated cost of the proposed facilities is \$3,769,000, which cost will be financed from general funds or revolving credit.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before March 28, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

<sup>3</sup> A motion for consolidation or establishment of an interim order proceeding was filed by city of Chicago on Feb. 19, 1968. On Feb. 23, 1968, Natural filed an answer opposing the motion.

<sup>4</sup> Tennessee Gas Transmission Company v. F.P.C., 371 U.S. 145 (1962).

unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,  
*Secretary.*

[F.R. Doc. 68-2789; Filed, Mar. 6, 1968;  
8:45 a.m.]

[Docket No. CP68-233]

## TEXAS GAS TRANSMISSION CORP.

### Notice of Application

MARCH 1, 1968.

Take notice that on February 21, 1968, Texas Gas Transmission Corp. (Applicant), Post Office Box 1160, Ownesboro, Ky. 42301, filed in Docket No. CP68-233 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing May 30, 1968, and operation of various natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct during the 12-month period commencing May 30, 1968, and operate various natural gas gathering facilities which will augment Applicant's ability to act with reasonable dispatch in securing by contract and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

The total estimated cost of the proposed facilities will not exceed \$2 million, and no single project will exceed a cost of \$500,000. The cost will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before March 28, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,  
*Secretary.*

[F.R. Doc. 68-2790; Filed, Mar. 6, 1968;  
8:45 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4672]

### CAMEO-PARKWAY RECORDS, INC.

#### Order Suspending Trading

MARCH 1, 1968.

The common stock, 10 cents par value, of Cameo-Parkway Records, Inc., Philadelphia, Pa., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Cameo-Parkway Records, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 4, 1968, through March 13, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
*Secretary.*

[F.R. Doc. 68-2806; Filed, Mar. 6, 1968;  
8:46 a.m.]

[70-4594]

### MASSACHUSETTS ELECTRIC CO.

#### Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

MARCH 1, 1968.

Notice is hereby given that Massachusetts Electric Co. ("Mass Electric"), 441 Stuart Street, Boston, Mass. 02116, an electric utility subsidiary company of New England Electric System ("NEES"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Mass Electric proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, \$15 million principal amount of first mortgage bonds, Series J, ----- percent, due 1998. The interest rate of the bonds (which shall be a multiple of one-eighth of 1 percent and the price, exclusive of accrued interest, to be paid to Mass Electric (which will be not less than the principal amount nor more than 102 3/4

percent thereof) will be determined by the competitive bidding. The bonds are to bear interest from April 1, 1968, will mature on April 1, 1998, and will be issued under a first mortgage indenture and deed of trust dated as of July 1, 1949, between Mass Electric and State Street Bank and Trust Co., as trustee, and indentures supplemental thereto including a ninth supplemental indenture to be dated as of April 1, 1968.

The proceeds from the sale of the bonds will be applied to the payment of then outstanding short-term notes (estimated at \$25 million) evidencing borrowings made for capitalizable construction expenditures or to reimburse the treasury therefor.

The application states that the fees and expenses to be incurred by Mass Electric in connection with the bonds are estimated at \$75,000, including charges of \$37,000 for services of the system service company, at cost, and accountants' fees of \$2,000. The fee and disbursements of counsel for the underwriters are to be paid by the successful bidders, and the amounts are to be supplied by amendment. Mass Electric has applied to the Massachusetts Department of Public Utilities for approval of the proposed issue and sale of bonds and the use of the proceeds therefrom. A copy of the order entered therein is to be supplied by amendment. If the interest rate to be specified by the successful bidders exceeds 7 1/2 percent per annum, a further order of that State commission will be necessary. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 25, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 68-2807; Filed, Mar. 6, 1968;  
8:46 a.m.]

### ROVER SHOE CO.

#### Order Suspending Trading

MARCH 1, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Rover Shoe Co., Bushnell, Fla., and stock purchase warrants of Rover Shoe Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

*It is ordered.* Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 2, 1968, through March 11, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 68-2808; Filed, Mar. 6, 1968;  
8:46 a.m.]

### WYOMING NUCLEAR CORP.

#### Order Suspending Trading

MARCH 1, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Wyoming Nuclear Corp., North Hollywood, Calif., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

*It is ordered.* Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 4, 1968, through March 13, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 68-2809; Filed, Mar. 6, 1968;  
8:46 a.m.]

## TARIFF COMMISSION

### SHOE WORKERS' PETITION FOR ADJUSTMENT ASSISTANCE

#### Report to The President

MARCH 4, 1968.

The U.S. Tariff Commission today reported to the President the results of its investigation of a petition for adjust-

ment assistance filed on behalf of a group of workers of the Packard Division of the Knapp Brothers Shoe Manufacturing Corp., Brockton, Mass.

The Commission found that footwear like or directly competitive with the welt footwear produced by the Packard Division is not, as a result in major part of trade-agreement concessions, being imported into the United States in such increased quantities as to be the major cause of the unemployment or underemployment of certain workers of the Packard Division.

The investigation (No. TEA-W-7) was conducted under the provisions of section 301(c) (2) of the Trade Expansion Act of 1962.

A part of the material contained in the Commission's report to the President may not be made public since it includes information that would disclose the operations of an individual firm. The Commission, therefore, is releasing to the public only those portions of the report that do not contain such information.

Copies of the public report are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C. 20436.

By direction of the Commission.

[SEAL] DONN N. BENT,  
Secretary.

[F.R. Doc. 68-2819; Filed, Mar. 6, 1968;  
8:47 a.m.]

## DEPARTMENT OF LABOR

### Wage and Hour and Public Contracts Divisions

#### STAR ROUTE CONTRACTS WITH POST OFFICE DEPARTMENT

##### Wage Determinations

On April 22, 1967, notice was published in the FEDERAL REGISTER (32 F.R. 6376) that insofar as long and short haul star route contracts with the U.S. Post Office Department were concerned specified wage determinations issued under the McNamara-O'Hara Service Contract Act of 1965 (79 Stat. 1034) were withdrawn until further notice. Interested persons were invited to participate, by submission of written data, views, or argument, in the decision whether such further notice should resume application of the wage determinations to such contracts, or, if not, what wage determinations should replace them.

After consideration of the responses and pursuant to authority in the McNamara-O'Hara Service Contract Act of 1965 and Secretary's Order 36-65 (30 F.R. 15305), I have decided not to resume the application of the withdrawn determinations to the long- and short-haul star route contracts with the U.S. Post Office Department, but to replace them with new determinations to be issued in the normal course of business.

Signed at Washington, D.C., this 1st day of March 1968.

CLARENCE T. LUNDQUIST,  
Administrator, Wage and Hour  
and Public Contracts Divisions.

[F.R. Doc. 68-2805; Filed, Mar. 6, 1968;  
8:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 1157]

### MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FOR- WARDER APPLICATIONS

MARCH 1, 1968.

The following applications are governed by Special Rule 1.247<sup>1</sup> of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the Rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d) (4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1)

<sup>1</sup> Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 1966 (Sub-No. 5), filed February 21, 1968. Applicant: THOMAS JORDANO & SON, INC., 21 Front Street, Brooklyn, N.Y. 11201. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by a manufacturer of drugs and toilet preparations including materials, supplies, equipment, and advertising materials used in connection therewith (except in bulk, in tank vehicles), from New Brunswick, N.J., to points in Nassau County, N.Y., returned shipments of the commodities described above, on return, under a continuing contract with E. R. Squibb & Sons, Inc., of New York, N.Y.* NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 2202 (Sub-No. 338), filed February 16, 1968. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris, Post Office Box 471, Akron, Ohio 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Waco, Tex., and Tyler, Tex.; from Waco, over U.S. Highway 84 to junction Texas Highway 31, thence over Texas Highway 31 to Tyler and return over the same route serving no intermediate points as an alternate route for operating convenience only.* NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 2202 (Sub-No. 339), filed February 19, 1968. Applicant: ROADWAY

EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Nashville, Tenn., and St. Louis, Mo., (1) from Nashville over U.S. Highway 41A to Hopkinsville, Ky., thence over U.S. Highway 68 to junction U.S. Highway 62, thence over U.S. Highway 62 to Paducah, Ky., thence over U.S. Highway 45 to Vienna, Ill., thence over Illinois Highway 146 to Ware, Ill., thence over Illinois Highway 3 to East St. Louis, Ill. (St. Louis commercial zone), and return over the same route serving no intermediate points as an alternate route for operating convenience only, and (2) from Nashville to Paducah as in (1) above, thence over U.S. Highway 60 to Wickliffe, Ky., thence over U.S. Highway 51 to junction Illinois Highway 3, thence over Illinois Highway 3 to East St. Louis, Ill. (St. Louis commercial zone), and return over the same route, serving no intermediate points as an alternate route for operating convenience only.* NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 2428 (Sub-No. 23), filed February 21, 1968. Applicant: H. PRANG TRUCKING CO., INC., 112 New Brunswick Avenue, Hopelawn, N.J. 08861. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Expanded urethane beams, and commodities used in connection therewith, and materials used in the installation and finishing thereof, and plastic accessories, from Perth Amboy, N.J., to points in Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Delaware, Maryland, and the District of Columbia, returned shipments, on return under contract with Paeco, Inc.* NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 2962 (Sub-No. 36), filed February 20, 1968. Applicant: A & H TRUCK LINE, INC., 1111 East Louisiana Street, Evansville, Ind. 47717. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plantsite of the West Virginia Pulp & Paper Co. located near Wickliffe, Ky., as an off-route point in connection with applicant's presently*

authorized regular route operations to and from Paducah, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Louisville, Ky.

No. MC 3062 (Sub-No. 26), filed February 18, 1968. Applicant: L. A. TUCKER TRUCK LINES, INC., 321 North Spring, Cape Girardeau, Mo. 63701. Applicant's representative: Gregory M. Rebman, 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment and injurious or contaminating to other lading), serving Wickliffe, Ky., and the plantsite of the West Virginia Pulp & Paper Co. near Wickliffe, Ky., as off-route points in connection with applicant's regular routes in the States of Illinois, Missouri, Arkansas, Tennessee, and Indiana.* NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Chicago, Ill., or Memphis, Tenn.

No. MC 3083 (Sub-No. 35), filed February 21, 1968. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, 277 Monroe, Memphis, Tenn. 38103. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, and negotiable securities in armored vehicles, between Charlotte, N.C., on the one hand, and, on the other, points in Georgetown, Beaufort, Orangeburg, Horry, Charleston, Dorchester, and Colleton Counties, S.C., under contract with Federal Reserve Bank of Richmond, Va. (Charlotte Branch).* NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 15909 (Sub-No. 7), filed February 23, 1968. Applicant: OWENS TRANSFER CORP., Du Quoin, Ill. Applicant's representative: Delmar Koebel, 107 West St. Louis Street, Lebanon, Ill. 62254. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Wickliffe, Ky., and plantsite of West Virginia Pulp & Paper Co., near Wickliffe, Ky., and Cairo, Ill., over U.S. Highway 51.* NOTE: If a hearing is deemed necessary, applicant does not specify location.

No. MC 30605 (Sub-No. 143) (Amendment), filed January 5, 1968, published in FEDERAL REGISTER issue of January 25, 1968, amended February 20, 1968, and republished as amended this issue. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, 433 East Waterman Street,

Wichita, Kans. 67202. Applicant's representatives: Thomas E. James and Phillip Robinson, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, liquid nitroglycerine, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Marietta, Okla., and Dallas, Tex., from Marietta, Okla., over U.S. Highway 77 (Interstate Highway 35 and 35E) to Dallas, Tex., and return over the same route, serving no intermediate points but serving the junction of U.S. Highway 77 (Interstate Highway 35 and 35E) and U.S. Highway 377 for purposes of joinder only, (2) between junction of U.S. Highway 77 (Interstate Highway 35 and 35E) and U.S. Highway 377 and Fort Worth, Tex., from the junction of U.S. Highway 77 and U.S. Highway 377 (at Denton, Tex.), over U.S. Highway 377 (Interstate Highway 35W) to Fort Worth, Tex., and return over the same route, serving no intermediate points, (3) between Kansas City, Mo., and Pittsburg, Kans., from Kansas City, Mo., over U.S. Highway 50 to junction U.S. Highway 69, thence over U.S. Highway 69 to Pittsburg, Kans., and return over the same route, serving no intermediate points as an alternate route for operating convenience only, (4) between St. Joseph, Mo., and Omaha, Nebr., (a) from St. Joseph, Mo., over Interstate Highway 29 to junction with Interstate Highway 80, thence over Interstate Highway 80 and municipal streets to Omaha, Nebr., and return over the route, (b) from St. Joseph, Mo., over U.S. Highway 59 to junction with U.S. Highway 275, thence over U.S. Highway 275 to Omaha, Nebr., and return over the same route, serving no intermediate points as alternate routes for operating convenience only, (5) between Hutchinson, Kans., and the junction of Kansas Highway 61 and U.S. Highway 54, from Hutchinson, Kans., over Kansas Highway 61 to junction of Kansas Highway 61 and U.S. Highway 54, and return over the same route, serving no intermediate points as an alternate route for operating convenience only. NOTE: Applicant states it intends to tack the proposed additional routes with its presently held authority. The purpose of this republication is to redescribe the territory sought. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., Oklahoma City, Okla., and Dallas, Tex.

No. MC 30887 (Sub-No. 153), filed February 20, 1968. Applicant: SHIPLEY TRANSFER, INC., 49 Main Street, Post Office Box 55, Reisterstown, Md. 21136. Applicant's representative: W. Wilson Corroum (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, in bulk, from Perryville, Md., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South

Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 31600 (Sub-No. 629), filed February 15, 1968. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, in bulk, from Perryville, Md., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 43442 (Sub-No. 19), filed February 21, 1968. Applicant: TRANSPORTATION SERVICE, INC., 2021 South Schaefer, Detroit, Mich. 48217. Applicant's representative: John Graham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Goodyear Tire & Rubber Co. at or near Logan, Ohio, as an off-route point in connection with carrier's regular-route operations to and from Lancaster, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Columbus, Ohio.

No. MC 46240 (Sub-No. 15), filed February 19, 1968. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brass, bronze, copper, aluminum, and plastic articles*, from Port Huron, Mich., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Massachusetts, Minnesota, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia and (2) *return of nonferrous scrap metals*, on return, under contract with Mueller Brass Co. of Port Huron, Mich. NOTE: Applicant holds common carrier authority in MC 106603, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 50002 (Sub-No. 61), filed February 28, 1968. Applicant: T. CLARENCE BRIDGE AND HENRY W. BRIDGE, a partnership, doing business as BRIDGE BROTHERS, Bridge and Anderson Streets, Box 929, Lamar, Colo. 81052. Applicant's representative: C. Zimmerman,

503 Schweiter Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, urea, and fertilizer*, from Omaha, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 52460 (Sub-No. 89), filed February 20, 1968. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, Post Office Box 9515, Tulsa, Okla. 74107. Applicant's representative: James W. Wrape or Louis I. Dailey, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite and facilities of Farmland Industries at or near Dodge City, Kans., to points in Colorado, Wyoming, Texas, Oklahoma, Missouri, Nebraska, and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans., Kansas City, Mo., Denver, Colo., Tulsa or Oklahoma City, Okla.

No. MC 61396 (Sub-No. 199), filed February 23, 1968. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. 68110. Applicant's representatives: Dale G. Herman, Post Office Box 189, Omaha, Nebr. 68101, and Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, urea, and fertilizer*, from Omaha, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City or St. Louis, Mo.

No. MC 61403 (Sub-No. 178), filed February 21, 1968. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins*, dry, in bulk, from Aberdeen, Miss., to points in Alabama and Tennessee (except points in Shelby County and Kingsport). NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 61592 (Sub-No. 95) (Clarification), filed December 26, 1967, published in FEDERAL REGISTER issue of January 18, 1968, clarified February 15, 1968, and republished as clarified this issue. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, faced or not faced with a protective or decorative material and boards and sheets, wood particle, faced

or not faced with a protective or decorative material, moving separately, or with *hardboard sheets and boards*, faced or not faced with a protective or decorative material, from Catawba, S.C., and points within 5 miles thereof, to Missouri, Iowa, Nebraska, and Kansas. NOTE: The purpose of this republication is to show Kansas as a destination State, in lieu of Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Cincinnati, Ohio.

No. MC 65802 (Sub-No. 36) (Amendment), filed January 5, 1968, published in the FEDERAL REGISTER issue of January 25, 1968, amended and republished as amended this issue. Applicant: LYN-DEN TRANSFER, INC., Post Office Box 433, Lynden, Wash. 98264. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer*, in sacks and in bulk, between the port of entry on the international boundary line between the United States and Canada, located at or near Sumas, Wash., on the one hand, and, on the other, points in Washington, Oregon, and Idaho; (2) *clay products*, between the port of entry on the international boundary line between the United States and Canada, located at or near Sumas, Wash., on the one hand, and, on the other, points in Oregon and Idaho, and from points in Washington to the port of entry on the international boundary line between the United States and Canada, located at or near Sumas, Wash.; and (3) *heavy machinery and building materials*, between points in Whatcom County, Wash. NOTE: The purpose of this republication is to remove the previously published restriction in (3) above, pertaining to special equipment. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 66951 (Sub-No. 8), filed February 23, 1968. Applicant: OYLER MOTOR TRANSIT CO., INC., 2364 Berdel Place, Canton, Ohio 44701. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel containers, shelving, stools, and lockers*, from Canton, Ohio, to points in New Jersey (except Trenton), and (2) *steel pallet racks, steel angles, steel storage cabinets, steel tote pans, steel work benches with steel or wooden tops, steel desks, steel pipe fittings, bent steel plates, steel bolts and nuts, and fabricated steel products*, from Canton, Ohio, to points in Connecticut, Massachusetts, New Jersey, New York, Rhode Island, and Pennsylvania, under contract with Republic Steel Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 66746 (Sub-No. 10) (Correction), filed January 8, 1968, published FEDERAL REGISTER issue January 25, 1968, and republished as corrected this issue. Applicant: JOHN L. KERR AND G. O. KERR, JR., a partnership, doing business

as SHIPPERS EXPRESS, 1651 Kerr Drive, Post Office Box 8665, Jackson, Miss. 39205. Applicant's representative: Harold D. Miller, Jr., 700 Petroleum Building, Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except livestock, liquid commodities in bulk, commodities requiring special equipment, household goods as defined by the Commission, and except meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 706, in mechanically refrigerated equipment), between points in Mississippi within 100 miles of Jackson, Miss., restricted against the movement of traffic from Meridian, Crystal Springs, Hazlehurst, Brookhaven, Summit, and McComb, Miss., and points within the commercial zones of each, and from points in that part of Mississippi south of U.S. Highway 80 and east of U.S. Highway 51, to Jackson, Miss. NOTE: Applicants hold a certificate under MC 66746 (Sub-No. 5) which authorizes irregular route operations between Jackson, Miss., on the one hand, and, on the other, points in Mississippi within 100 miles of Jackson, subject to the restrictions contained in the subject application. Applicants request cancellation of the authority under MC 66746 (Sub-No. 5) concurrent with issuance of a certificate authorizing operations proposed herein. The purpose of this republication is to more clearly set forth the exceptions, and to reflect the reference to the exceptions as being "61 M.C.C. 209 and 706." If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 73165 (Sub-No. 245), filed February 19, 1968. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles; materials, equipment, and supplies used in the manufacture and processing of paper and paper articles*, between the plantsite of the West Virginia Pulp & Paper Co. at or near Wickliffe, Ky., and points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 78228 (Sub-No. 22), filed February 21, 1968. Applicant: The J. MILLER COMPANY, a corporation, 147 Nichol Avenue, McKees Rocks, Pa. 15136. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor ve-

hicle, over irregular routes, transporting: (1) *Metals and scrap steel shapes*, in dump vehicles, between Braddock, Pa., East Liverpool, Ohio, and Niagara Falls, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire, (2) *alloys, pig iron, and scrap metals*, in dump vehicles, between Braddock, Pa., and East Liverpool, Ohio, on the one hand, and, on the other, points in Vermont and New Hampshire, and (3) *alloys, pig iron, and scrap metals*, in dump vehicles, between Niagara Falls, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Buffalo, N.Y.

No. MC 83539 (Sub-No. 227), filed February 19, 1968. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled power hammers and material handlers with or without accessories, attachments and parts* when moving in connection therewith, from Denver, Colo., to points in the United States (except Alaska, Colorado, and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Washington, D.C.

No. MC 95540 (Sub-No. 723), filed February 19, 1968. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Hoyt Starr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from Belfast, Maine, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 95540 (Sub-No. 725), filed February 19, 1968. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Hoyt Starr (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Hagerstown, Md.; Linden, N.J.; New York City and points in its commercial zone; and Walton, N.Y., to Raleigh, N.C.; Atlanta, Ga.; and points in Florida. NOTE: Applicant states that it intends to interchange traffic. If a hearing is deemed necessary, applicant requests it be held at Tampa or Miami, Fla.

No. MC 95876 (Sub-No. 84), filed February 19, 1968. Applicant: ANDERSON

TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing, and insulating materials*, from Indianapolis, Ind., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 96129 (Sub-No. 4), filed February 26, 1968. Applicant: CARLTON REPSHER, Skinners Eddy, Pa. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insulation and insulation products*, from Mountain Top, Pa., to Binghamton and Elmira, N.Y., (2) *nails*, from Cortland, N.Y., to Laceyville, Pa., (3) *building materials*, from Bound Brook, N.J., Buffalo, N.Y., and Baltimore, Md., and points in the Port of New York, N.Y. to Laceyville, Pa., under contract with Whipple Brothers, Inc., and (4) *hides and skins*, from Pittston, Pa., to piers at Philadelphia, Pa., and points in Vermont and Massachusetts, under contract with Montrose Beef Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 96498 (Sub-No. 29), filed February 19, 1968. Applicant: BONIFIELD BROS. TRUCK LINES, INC., Post Office Box 40, West Frankfort, Ill. Applicant's representative: R. W. Burgess, 8514 Midland Boulevard, St. Louis, Mo. 63114. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Paper and paper products, and materials, equipment, and supplies* used or useful in the manufacture and distribution of paper and paper products, between the manufacturing and distribution facilities of the West Virginia Pulp & Paper Co. located at or near Wickliffe, Ky., and Cairo, Ill., over U.S. Highway 51, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Springfield, Ill., or Paducah, Ky.

No. MC 103378 (Sub-No. 331), filed February 21, 1968. Applicant: PETROLEUM CARRIER CORPORATION, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium phosphates and soda ash*, from Atlanta, Ga., to points in South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103378 (Sub-No. 332), filed February 23, 1968. Applicant: PETROLEUM CARRIER CORPORATION, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from points in Dougherty and Muscogee Counties, Ga., to points in Georgia and Alabama. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 103993 (Sub-No. 323), filed February 23, 1968. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Franklin County, Va., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 104523 (Sub-No. 40), filed February 19, 1968. Applicant: HUSTON TRUCK LINE, INC., Friend, Nebr. Applicant's representative: Donald E. Leonard, Box 2028, 605 South 14th, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Landscaping, building and stone products*, (1) from Wheatland, Wyo., to points in North Dakota, Minnesota, Missouri, and Illinois, (2) from points in Colorado to points in Nebraska, Kansas, Oklahoma, Missouri, Iowa, Minnesota, North Dakota, and South Dakota, and (3) from points in Texas to points in Oklahoma, Kansas, Missouri, Iowa, Nebraska, and Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 105813 (Sub-No. 162), filed February 23, 1968. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Post Office Box 154, M.I.A. Station, Miami, Fla. 33148. Applicant's representative: James T. Moore, Post Office Box 154, M.I.A. Station, Miami, Fla. 33148. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except in bulk, in tank vehicles), from Hagerstown, Md., Linden, N.J., Walton, N.Y., and New York, N.Y., to Atlanta, Ga., Raleigh, N.C., and points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106400 (Sub-No. 69), filed February 16, 1968. Applicant: KAW

TRANSPORT COMPANY, a corporation, Post Office Box 8525, Sugar Creek, Mo. 64054. Applicant's representatives: Harold D. Holwick (same address as applicant), and Robert L. Hawkins, Jr., 312 East Capitol Avenue, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from plantsite of Farmland Industries, Inc., located at or near Dodge City, Kans., to points in Colorado, Iowa, Missouri, Nebraska, Oklahoma, Texas, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 107496 (Sub-No. 632), filed February 26, 1968. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, including but not limited to dicalcium phosphate, in bulk, from Omaha and Nebraska City, Nebr., to points in Missouri, Iowa, and Kansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or St. Louis, Mo.

No. MC 107496 (Sub-No. 633), filed February 26, 1968. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Farbritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Detergent intermediates*, in bulk, (1) from Edwardsville, Kans., to points in Missouri, Ohio, Pennsylvania, and Texas; (2) from Philadelphia, Pa., to Fernald, Ohio; and (3) from Fernwald, Ohio, to Edwardsville, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, Kansas City, Kans., or Kansas City, Mo.

No. MC 107496 (Sub-No. 634), filed February 26, 1968. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard and grease*, in bulk, (1) from Denison, Iowa, to Oklahoma City, Okla., and (2) from Iowa Falls, Iowa, to Chicago, Ill. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 107496 (Sub-No. 635), filed February 26, 1968. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa meal and alfalfa pellets*, from Gayville, S. Dak., to points

in South Dakota, North Dakota, Minnesota, Montana, Wyoming, Iowa, Nebraska, and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Kansas City, Kans.

No. MC 107515 (Sub-No. 602), filed February 19, 1968. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic material, liquid and film on sheeting other than cellulose*, in vehicles equipped with mechanical refrigeration, from Aberdeen and Havre de Grace, Md., to Charleston, S.C.; Fort Worth, Tex.; Marietta, Ga.; Nashville, Tenn.; and Wichita, Kans. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107818 (Sub-No. 43), filed February 19, 1968. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Pompano Beach, Fla. Applicant's representative: Martin Sack, Jr., Gulf Life Tower, 1301 Gulf Line Drive, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and related advertising, promotional, and display materials, and premiums*, incidental to the sale thereof, when shipped therewith, from points in Wisconsin to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 108068 (Sub-No. 64), filed February 19, 1968. Applicant: U.S.A.C. TRANSPORT, INC., 25200 West Six Mile Road, Detroit, Mich. 48240. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft parts, aircraft assemblies, and related equipment for aircraft*, requiring special handling or special equipment, (1) between points in King and Snohomish Counties, Wash., on the one hand, and, on the other, Tulsa, Okla., Dallas, Tex., Wichita, Kans., and Litchfield Park, Ariz., and (2) from points in King and Snohomish Counties, Wash., to Newbury Park, Chula Vista, and Riverside, Calif., restricted to traffic originating at or destined to The Boeing Co. in King and Snohomish Counties, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Salt Lake City, Utah.

No. MC 108305 (Sub-No. 7) (Amendment), filed January 5, 1968, published FEDERAL REGISTER issue of January 18, 1968, amended and republished as amended this issue. Applicant: McCARTHY TRANSPORT, INC., 217 Read Street, Portland, Maine 04108. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite

Street, Braintree, Mass. 02184. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses and, in connection therewith, equipment, materials, and supplies used in the conduct of such business (except commodities in bulk)*, between Portland, Maine; Somerville and Southboro, Mass.; Hartford, Conn.; and South Kearney, N.J.; on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, and New Jersey, under contract with First National Stores, Inc., Somerville, Mass. NOTE: Common control may be involved. The purpose of this republication is to change the territorial and commodity description. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 108393 (Sub-No. 7) (Amendment), filed February 2, 1968, published in the FEDERAL REGISTER issue of February 15, 1968, amended and republished as amended this issue. Applicant: SIGNAL DELIVERY SERVICE, INC., 782 Industrial Drive, Elmhurst, Ill. 60126. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise dealt in by retail department stores and mail-order houses*, between Elizabeth and Maywood, N.J., on the one hand, and, on the other, points in Dutchess, Nassau, Orange, and Suffolk Counties, N.Y., and points in Fairfield County, Conn., under contract with Sears, Roebuck & Co. NOTE: The purpose of this republication is to add Dutchess County, N.Y., in the radial territorial description. Applicant is also authorized to conduct operations as a *common carrier* in certificate No. MC 118459, therefor, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cleveland, Ohio.

No. MC 108770 (Sub-No. 1), filed February 26, 1968. Applicant: ARTHUR LINK, 7410 Dorr Street, Toledo, Ohio 43617. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stone, screenings, sand, and building materials*, between points in Lucas, Ottawa, and Wood Counties, Ohio, on the one hand, and, on the other, points in Monroe, Wayne, and Lenawee Counties, Mich., under contract with Kuhlman Builders Supply & Brick Co., Toledo, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 109265 (Sub-No. 20), (amendment), filed December 14, 1967, published FEDERAL REGISTER issue January 5, 1968, and republished as amended this issue. Applicant: W. L. MEAD, INC., Post Office Box 31, Norwalk, Ohio 44857. Applicant's representative: James Muldoon, 50 West Broad Street, Columbus, Ohio 43215.

Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities (except those of unusual value, dangerous explosives, livestock, household goods as defined by the Commission in Practices of Motor Common Carrier of Household Goods, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment)*, between Attica and Lima, Ohio, from Attica over U.S. Highway 224 to junction Interstate Highway 75, thence over Interstate Highway 75 to Lima, Ohio, and return over the same route, serving the intermediate point of Findlay, Ohio, restricted to traffic moving to or from Connecticut, Massachusetts, and Rhode Island. NOTE: Applicant presently holds authority between Attica and Lima, Ohio, from Attica over Ohio Highway 4 to Marion, Ohio, thence over U.S. Highway 30S to Lima, and between Attica and Findlay, Ohio, over U.S. Highway 224, with service at Findlay, restricted to traffic moving from or to Connecticut, Massachusetts and Rhode Island. The purpose of this republication is to add the intermediate point of Findlay, Ohio, and to add the above restriction. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio, or Washington, D.C.

No. MC 110525 (Sub-No. 860), filed February 23, 1968. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. Van Deusen, 520 East Lancaster Avenue, Downingtown, Pa. 19335, and Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, in bulk, from Perryville, Md., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111424 (Sub-No. 3), filed February 9, 1968. Applicant: SHIPPERS TRUCK SERVICE, INC., 400 Sip Avenue, Jersey City, N.J. 07306. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Outdoor signs and parts thereof*, from Glen Cove, Long Island, N.Y., to points in the United States on and east of a line extending from Lake Superior along the western boundary of Wisconsin to the Mississippi River, and thence along the east bank of the Mississippi River to the Gulf of Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 113267 (Sub-No. 188) filed February 19, 1968. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bags, bagging, paper, and paper articles*, from points in Florida, Alabama, Mississippi, Louisiana, and Arkansas to points in Alabama, Arkansas, Tennessee, Missouri, Kansas, Nebraska, Iowa, Wisconsin, Indiana, Illinois, Minnesota, Ohio, Mississippi, Michigan, Kentucky, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 113267 (Sub-No. 189), filed February 23, 1968. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite and warehouse facilities of West Virginia Pulp & Paper Co. at or near Wickliffe, Ky., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Arkansas, Kentucky, Oklahoma, Kansas, Missouri, Nebraska, Iowa, Minnesota, Wisconsin, Illinois, Ohio, Indiana, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113678 (Sub-No. 311), filed February 20, 1968. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68505. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, and pieces thereof*, from points in Kansas, Nebraska, and Colorado, to Los Angeles, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Denver, Colo.

No. MC 113855 (Sub-No. 175), filed February 21, 1968. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55902. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, and gypsum and gypsum products and materials and accessories used in connection therewith*, from points in Big Horn County, Wyo., to points in Idaho, Iowa, Minnesota, Montana, Nebraska, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Chicago, Ill.

No. MC 115180 (Sub-No. 45) (Amendment), filed November 6, 1967, published in the FEDERAL REGISTER issue of November 30, 1967, amended and republished as amended this issue. Applicant: ONLEY REFRIGERATED TRANSPORTATION,

INC., 408 West 14th Street, New York, N.Y. 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, except in bulk, *advertising materials and displays* and, (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act, if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with regulated commodities presently authorized, authorized at time of hearing, or authorized in this proceeding, from South Hackensack, N.J., to points in Ohio, Indiana, Illinois, Kentucky, Missouri, Iowa, Wisconsin, and Minnesota. NOTE: The purpose of this republication is to broaden the authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 116004 (Sub-No. 22), filed February 16, 1968. Applicant: TEXAS-OKLAHOMA EXPRESS, INC., 2515 Irving Boulevard, Post Office Box 743, Dallas, Tex. 75221. Applicant's representative: Reagan Sayers, Century Life Building, Post Office Box 17007, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Dallas, Tex., and Oklahoma City, Okla., over U.S. Highway 77 (Interstate Highway 35), serving all intermediate points and serving Sulphur, Okla., as an off-route point. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex., or Oklahoma City, Okla.

No. MC 116014 (Sub-No. 36), filed February 14, 1968. Applicant: OLIVER TRUCKING CO., INC., Post Office Box 53, Winchester, Ky. 40391. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Winchester, Ky., to points in Alabama, Georgia, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 116014 (Sub-No. 38), filed February 19, 1968. Applicant: OLIVER TRUCKING COMPANY, INC., Post Office Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boxes, crates, hogsheads, and liners*, assembled or knocked down, constructed of wood, wood and wire or fiberboard, from Meridian, Miss., to points in Kentucky and Tennessee, and (2) *used boxes,*

*crates, and hogsheads*, from points in Kentucky and Tennessee to Meridian, Miss. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 116427 (Sub-No. 7) (Amendment), filed February 5, 1968, published FEDERAL REGISTER issue of February 15, 1968, amended February 24, 1968, and republished as amended this issue. Applicant: LAS VEGAS TANK LINES, INC., doing business as LAS VEGAS TRUCK LINE, Post Office Box 295, Las Vegas, Nev. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Apex and Blue Diamond, Nev., on the one hand, and, on the other, points in Los Angeles, Riverside, Orange, and San Bernardino Counties, Calif. NOTE: The purpose of this republication is to add San Bernardino County to scope of the radial territory. If a hearing is deemed necessary, applicant requests it be held at Las Vegas, Nev., or Los Angeles, Calif.

No. MC 117604 (Sub-No. 4) (Amendment), filed December 12, 1967, published FEDERAL REGISTER issue of January 18, 1968, amended February 15, 1968, and republished as amended this issue. Applicant: MEADORS FREIGHT LINE, INC., 1050 Jefferson Street NW., Atlanta, Ga. 30318. Applicant's representative: Guy H. Postell, 1273 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (a) between Atlanta, Ga., and the Georgia-Tennessee State line, from Atlanta over Georgia Highway 3 via Marietta and Cartersville to junction Georgia Highway 20, thence over Georgia Highway 20 via Rome to junction Georgia Highway 1, thence over Georgia Highway 1 via Summerville and Lafayette to the Georgia-Tennessee State line and return over the same route, serving all intermediate points, and the off-route points of Avondale Estates, Decatur, Scottdale and Chickamauga, Lindale, New Rome, and Berryton, the site of E. T. Barwick Carpet Mills, Inc., located on Georgia Highway 341 between the junction of Georgia Highways 193 and 341 and junction of Georgia Highways 143 and 341, and the Panola Industrial District located near Lithonia, Ga., (b) between Summerville and Lyerly, Ga., over Georgia Highway 114, serving all intermediate points, (c) (1) between La Fayette, and Dalton Ga., from La Fayette over Georgia Highway 143 to junction Georgia Highway 201, thence over Georgia Highway 201 to junction Georgia Highway 3, thence over

Georgia Highway 3 to Dalton and return over the same route, serving all intermediate points, (2) between La Fayette and Calhoun, Ga., over Georgia Highway 143, serving all intermediate points, (3) between Fort Oglethorpe and Dalton, Ga., from Fort Oglethorpe over Georgia Highway 2 to Ringgold, thence over Georgia Highway 3 (also U.S. Highway 41) to Dalton and return, over the same route, serving all intermediate points, and (2) *bagging and cloth, burlap, gunny, itxle (istle), jute, and sisal*, between Cass Station, Ga., and the Georgia-Tennessee State line, over U.S. Highway 41, serving all intermediate points. NOTE: The purpose of this republication is to amend the commodity description in (2) above. If a hearing is deemed necessary, applicant requests it be held at Calhoun or Rome, Ga.

No. MC 117883 (Sub-No. 110), filed February 19, 1968. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio 45380. Applicant's representative: Kenneth Subler, Post Office Box 62, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by Oscar Mayer & Co., Inc. at Davenport, Iowa, to points in Indiana (except points in the Chicago, Ill., commercial zone as defined by the Commission), Kentucky, Michigan, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 113474 (Sub-No. 6), filed February 20, 1968. Applicant: AIR VAN LINES, INC., 9431 Eighth Avenue South, Seattle, Wash. 98108. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in the Seattle, Wash., commercial zone, on the one hand, and, on the other, points in Alaska located east of an imaginary line constituting a southward extension of the international boundary line between the United States and Canada over public highways between Seattle, Wash., commercial zone and the Puget Sound Terminal of Alaska Marine Highway System and between said terminal and points in Alaska over said Alaska Marine Highway System. NOTE: Applicant indicates tacking possibilities with its existing authority serving points in Alaska. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 118610 (Sub-No. 11), filed February 15, 1968. Applicant: L & B EXPRESS, INC., Post Office Box 281, Owensboro, Ky. 42301. Applicant's representative: Fred F. Bradley, 213 St. Clair

Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment, winches, compaction and roadmaking equipment, rollers, self-propelled, and non-self-propelled mobile cranes, and highway freight trailers*, and (2) *parts, attachments, and accessories* for the commodities described in (1) above, between the plantsites of the Hyster Co., located at or near Danville, Kewanee, and Peoria, Ill., on the one hand, and, on the other, points in Kentucky and Indiana, restricted to the handling of traffic originating at or destined to the named plantsites. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 119193 (Sub-No. 5), filed February 19, 1968. Applicant: SAMACK, INC., 14750 Southwest 72d Avenue, Portland, Ore. 97223. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Ore. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such general merchandise as is dealt in by wholesale, retail, and chain grocery houses*, from points in California to points in Oregon, and to Yakima, Wash., (2) *nuts and nut meats*, from points in Clackamas, Multnomah, Washington, and Marion Counties, Ore., to points in California and Nevada, (3) *canned fruits, vegetables, and berries*, from Forest Grove, Ore., to points in California and Nevada, (4) *wooden shingle ridges, shake ridges, and shim stock*, from points in Multnomah County, Ore., to points in California, and (5) *wooden shakes, shingles, shake and shingle ridges, and shim stock*, from points in Washington and Oregon to points in California and Nevada, under contracts with Hudson House, Inc., Richard Long and Wasser & Fluhrer, Kalama Shake Co., and Fluhrer Bros. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 119493 (Sub-No. 39), filed February 19, 1968. Applicant: MONKEM COMPANY, INC., Post Office Box 1196, West 20th Street Road, Joplin, Mo. 64801. Applicant's representative: Ray F. Kempt, Post Office Box 1196, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Manufactured animal and poultry feed, and ingredients used in the manufacture of animal and poultry feed*, between Joplin, Mo., and points in Minnesota, (2) *feed and feed ingredients and seed*, in bags, when moving in mixed truckloads with dry manufactured fertilizer and pesticides, from the plantsite of W. R. Grace & Co., located at Atlas, Mo., to points in Arkansas, Kansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, and South Dakota, and (3) *flour*, in truckload lots, and flour when moving in mixed loads with manufactured animal and poultry feed, from Whitewater, Kans., to points in Arkan-

sas, Louisiana, Mississippi, Missouri, and Illinois. NOTE: No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Tulsa, Okla.

No. MC 119531 (Sub-No. 80), filed February 21, 1968. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Coshocton, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, and West Virginia, and (2) *materials and supplies* used in the manufacture, sale, and distribution of paper and paper products, from points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, and West Virginia, to Coshocton, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Columbus, Ohio.

No. MC 119710 (Sub-No. 12) filed February 21, 1968. Applicant: JOHN L. AND IVAN D. SHUPE, a partnership, doing business as SHUPE BROS., Post Office Box 919, Greeley, Colo. 80631. Applicant's representative: Paul F. Sullivan, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products, and products used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries*, from Saltair, Utah, to points in Colorado, Wyoming, Montana, and in those parts of Nebraska, South Dakota, and Kansas on and west of U.S. Highway 83, restricted to service performed under contract with Morton Salt Co., Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 119765 (Sub-No. 14), filed February 23, 1968. Applicant: HENRY G. NELSEN, INC., 1548 Locust Street, Avoca, Iowa. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except commodities in bulk in tank vehicles), from Champaign, Ill., to Sioux City, Iowa, and points in Nebraska, and (2) *meats, meat products, and meat byproducts*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and liquid commodities in bulk, in tank vehicles), originating at the plantsite and storage facilities of, or utilized by, American Beef Packers, Inc., in Powttawatomie County, Iowa, to points in Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119829 (Sub-No. 27), filed February 19, 1968. Applicant: F. J. EGNER & SON, 3969 Congress Parkway, Post Office Box 216, West Richfield, Ohio

44286. Applicant's representative: Elliott Bunce, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon black*, between points in Pleasants County, W. Va., and Washington County, Ohio, on the one hand, and, on the other, points in Connecticut, Indiana, Illinois, Kentucky, Maryland, Massachusetts, Michigan, New York, Ohio, Pennsylvania, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 119873 (Sub-No. 6), filed February 20, 1968. Applicant: FRANZIA AND FRANZIA, INC., 11th and Meldon Avenue, Donora, Pa. 15033. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, from points in New York to points in Allegheny County, Pa., under continuing contract with Monongahela Iron & Metal Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 119910 (Sub-No. 4), filed February 19, 1968. Applicant: ANDREW J. GIBBS, Post Office Box 721, Lexington, Ky. 40501. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, ice cream, ice cream mixes, orange juice, sour cream, cheese dips, dessert whips, egg-nog, fruit drinks, and cottage cheese*, between Lexington, Ky., on the one hand, and, on the other, Salyersville, Martin, and Pikeville, Ky., and Williamson, W. Va., under contract with Borden, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 123383 (Sub-No. 31), filed February 21, 1968. Applicant: BOYLE BROTHERS, INC., 276 River Road, Edgewater, N.J. 07020. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building panels, sections, wallboard, building board, and accessories*, from Chesapeake, Va., to points in Florida, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont. NOTE: Applicant states that by tacking (1) at New York, N.Y., applicant can serve points in New Jersey and Pennsylvania, and (2) at the Philadelphia, Pa., commercial zone, applicant can serve the District of Columbia, Delaware, Maryland, Pennsylvania, and New Jersey. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123392 (Sub-No. 7), filed February 19, 1968. Applicant: JACK B. KELLEY, doing business as JACK B. KELLEY CO., 3801 Virginia Street, Amarillo, Tex. 79109. Applicant's representative: Grady L. Fox, 222 Amarillo

Building, Amarillo, Tex. 79101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and gaseous helium*, in bulk, from the Helix Plant near Ulysses, Kans., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., or Oklahoma City, Okla.

No. MC 124078 (Sub-No. 320), filed February 16, 1968. Applicant: SCHWERMANN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from Cleveland, Va., to points in North Carolina, Tennessee, Virginia, and West Virginia. NOTE: Applicant states it will tack the authority sought with its MC 124078 Sub 78, at Glasgow, W. Va., to serve points in Pennsylvania, Maryland, and Ohio. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124236 (Sub-No. 29), filed February 15, 1968. Applicant: CHEMICAL EXPRESS, INC., 3300 Republic National Bank Building, Dallas, Tex. 75201. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Maryneal, Tex., to points in Colorado and Kansas. NOTE: Applicant states that it intends to tack the authority sought herein to serve points under its present authority in MC 124236 and subs, wherein it is authorized to operate in New Mexico, Arkansas, Louisiana, Oklahoma, Alabama, and Mississippi. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 125624 (Sub-No. 8), filed February 6, 1968. Applicant: EVERGREEN FREIGHT LINES, INC., East 5205 Union, Spokane, Wash. 99211. Applicant's representative: Hugh A. Dressel, 702 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) Over regular routes: *General commodities*, (1) between Spokane, and Curlew, Wash., over U.S. Highway 2 to Wilbur, Wash., thence over Washington Highway 4 to Republic, Wash., thence over Washington Highway 4A to Curlew, Wash., and return over the same route, serving the intermediate points of Fairchild Air Force Base, Wilbur, Keller, Republic, and Malo, Wash., and the off-route points of Geiger Field (about 2½ miles southwest of Spokane, Wash.), Dishman, and Wauconda, Wash.; (2) Between Spokane, and Kettle Falls, and Orient, Wash., over U.S. Highway 2 to Davenport, Wash., thence over Washington Highway 22 to Kettle Falls, Wash., thence over U.S. Highway 395 to Orient, Wash., and return over the same route serving intermediate points, and the off-route point of Republic, Wash.:

From Spokane over U.S. Highway 395 to Kettle Falls, Wash., and return over the same route. No local service is to be rendered between Spokane, and Davenport, Wash. (3) Between Spokane, Wash., and Inchelium, Wash., over U.S. Highway 2 to junction Washington Highway 22, thence over Washington Highway 22 to Inchelium, and return over the same route, serving points within 10 miles of Inchelium as intermediate and off-route points: (B) Over irregular routes: (4) *Household goods, machinery* (farm equipment only), *agricultural commodities* (hay, straw, grain, feed, and livestock) and *forest products* (fuel wood), between points in Stevens, Lincoln, Spokane, and Ferry Counties, Wash. (5) *Unmanufactured or unprocessed agricultural commodities*, between points in Stevens, Lincoln, Spokane, and Ferry Counties, Wash., and points within 50 miles of these counties. (6) *Building materials* (except cement in bulk, in tank or dump vehicles, or specialized equipment), between Spokane, Wash., on the one hand, and, on the other, points in Ferry and Stevens Counties, Wash. (7) *Agricultural commodities, farm supplies, and grain*. Between Cedonia, Hunters, and Fruitland, Wash., on the one hand, and, on the other, Spokane, Wash. (8) *Milk and cream*, from points within 5 miles of Washington Highway 4 and 4A in Ferry County, Wash., and Washington Highway 22 in Stevens County, Wash., to processing plant in Spokane, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Coleville or Spokane, Wash.

No. MC 125996 (Sub-No. 12) (Correction), filed January 15, 1968, published in FEDERAL REGISTER issue February 1, 1968, and republished as corrected this issue. Applicant: JENSEN TRUCKING CO., INC., 220 16th Street, Gothenburg, Nebr. 69138. Applicant's representative: Duane W. Acklie, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except in tank and hopper-type vehicles), between points in Illinois on the one hand, and, on the other, points in Idaho; points in Banner and Sioux Counties, Nebr.; and Albin, Irwin, and Gallio, Wyo., and Ardmore and Pine Ridge, S. Dak. NOTE: The purpose of this republication is to show Idaho as a destination State in lieu of a county. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 127460 (Sub-No. 2), filed February 21, 1968. Applicant: ZIPPY DISTRIBUTING, INC., Lakefield, Minn. 56150. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, expanded polystyrene, solid plastic foamed materials* used for floral purposes, and *earthenware*, (1) from West Virginia to Macomb, Ill., and Sunnyvale, Calif., and (2) from Macomb, Ill., to points in Minnesota and Wisconsin. NOTE: If a hearing

is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 127689 (Sub-No. 15), filed February 23, 1968. Applicant: PASCA-GOULA DRAYAGE COMPANY, INC., 705 East Pine Street, Hattiesburg, Miss. 39401. Applicant's representative: W. N. Innis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board*, from Meridian, Miss., to Truman, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson or Meridian, Miss.

No. MC 127806 (Sub-No. 8), filed February 19, 1968. Applicant: BEER TRANSPORT INC., 130 Steamboat Road, Great Neck, N.Y. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Solid steel beer can ends*, in packages, from the plantsite of Sovereign Lid Co. in Fallsburg, Pa., to the plantsites of Rheingold Breweries, Inc., in Brooklyn, N.Y., and Orange, N.J., and the plantsite of Jacob Ruppert Brewery, Inc., in New Bedford, Mass., under contract with Rheingold Breweries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 127834 (Sub-No. 16), filed February 19, 1968. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign poles, parts and accessories therefor*, from Glen Cove, Long Island, N.Y., to points in the United States (except New York, New Jersey, Connecticut, Rhode Island, New Hampshire, Massachusetts, Vermont, Maine, Alaska, and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128273 (Sub-No. 25), filed February 16, 1968. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, Fort Scott, Kans. 66701. Applicant's representative: John Jandera, 648 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials handling and processing equipment; grain drying, processing and storage equipment; power transmission equipment; and materials and supplies used in the manufacture and installation of the above-described articles*, between Fort Scott and La Cygne, Kans., and points in the United States (except Alaska and Hawaii), and (2) *metal buildings, canopies, panels, windows, doors, metal extrusions, and materials and supplies used in the manufacture and installation of the above-described articles*, between Fort Scott, Kans., and points in the United States (except Alaska and Hawaii). NOTE: Applicant states that no

duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128273 (Sub-No. 26), filed February 21, 1968. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sign, sign parts, and accessories*, from the plantsite of Universal Unlimited, Inc., Pratt Oval-Glen Cove, Long Island, N.Y., to points in Arkansas, Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Michigan, Mississippi, Missouri, Montana, Nebraska, New Mexico, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128273 (Sub-No. 27), filed February 21, 1968. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile washing and cleaning devices, component parts thereof, accessories, and materials and supplies used in the manufacture, assembly, and operation of automobile washing and cleaning devices, and component parts thereof*, between Siloam Springs, Ark., Fort Scott, Kans., and Kansas City, Mo., on the one hand, and, on the other, points in the United States (except Hawaii and Alaska). NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128814 (Sub-No. 15), filed February 21, 1968. Applicant: TRI-STATE MOTOR TRANSIT CO., as OPERATOR OF H. MESSICK, INC., Post Office Box 113, Business in Joplin, Mo. 64802. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting materials, blasting agents, and supplies*, between the facilities of Hercules, Inc., near Freeburg, Ill., on the one hand, and, on the other, points in Ohio, Virginia, West Virginia, and Michigan, under contract with Hercules, Inc. NOTE: Applicant holds common carrier authority in MC 109397, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 129335 (Sub-No. 2), filed February 20, 1968. Applicant: DEHAVEN TRANSFER & STORAGE CO., INC., 2009 Russell Street SW., Roanoke, Va. 24010. Applicant's representative: John R. Sims, Jr., 480 Mills Building, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Virginia in and west of Brunswick, Dinwiddie, Chesterfield, Powhatan, Goochland, Louisa, Orange, Culpepper, Rappahannock, Warren, and Clark Counties, Va., restricted to transportation of shipments having a prior or subsequent out-of-State movement. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129421 (Sub-No. 1), filed February 16, 1968. Applicant: TRAILER EXPRESS, INC., 12427 Rush Street, El Monte, Calif. 91733. Applicant's representative: Ernest D. Salm, 3826 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tent camper trailers*, (1) from Centerville, Mich., to points in California, and (2) from points in Los Angeles County, Calif., to points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 129433 (Sub-No. 1), filed February 19, 1968. Applicant: EDWARD W. EMERT, doing business as J & E CASKET DISTRIBUTORS, 4874 Torbay Drive, Nashville, Tenn. 37211. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Caskets, burial cases, casket displays, and other funeral supplies*, between Nashville, Tenn., on the one hand, and, on the other, points in Kentucky, Indiana, Ohio, Illinois, Pennsylvania, Georgia, and Tennessee, for the account of National Casket Co., Inc., Nashville, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 129689 (Correction), filed January 31, 1968, published in the FEDERAL REGISTER issue of February 21, 1968, corrected and republished as corrected this issue. Applicant: CONTRACTORS CARGO COMPANY, a corporation, 11100 South Garfield Avenue, South Gate, Calif. 90280. Applicant's representative: Martin Sterenbuch, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials and contractor's machinery, supplies, and equipment*, (1) from Los Angeles, Calif., harbor points to sites of construction projects in California within 250 miles thereof, (2) between railheads in California, Arizona, New Mexico, Oregon, Washington, and Nevada, and construction projects or other points of use in California, Arizona, New Mexico, Oregon, Washington, and Nevada, within 100 miles of such railheads; or (3) between such construction projects or points of use and the nearest railhead, when none is located within 100 miles thereof. NOTE: The purpose of this republication is to correct the territorial description in (2) above. Applicant

states the purpose of the instant application is to seek conversion of its permit in MC 17745, to a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 129694 (Amendment), filed February 4, 1968, published in the FEDERAL REGISTER issue of February 22, 1968, amended and republished as amended this issue. Applicant: MINSTEF MOVING STORAGE & TRUCKING CORP., 4201 First Avenue, Brooklyn, N.J. Applicant's representative: Philip Schneiderman, 140 Nassau Street, New York, N.Y. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *New and used office furniture, crated and uncrated*, between New York, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Massachusetts, Pennsylvania, Maryland, and the District of Columbia, under contract with Bestype Office Furniture, Inc., 501 Madison Avenue, New York, N.Y. NOTE: The purpose of this republication is to (1) reflect applicant's correct address, and (2) clarify the commodity and territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at New York or Albany, N.Y.

No. MC 129624 (Amendment), filed January 5, 1968, published in FEDERAL REGISTER issue of January 25, 1968, amended February 16, 1968, and republished as amended this issue. Applicant: ROUTE MESSENGERS OF PENNSYLVANIA, INC., 2621 South Street, Philadelphia, Pa. 19146. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Optical materials, supplies, and products*, no single parcel or package thereof to exceed 25 pounds in weight, and (2) *dental products, materials, and supplies*, no single parcel or package thereof to exceed 25 pounds in weight, between points in Philadelphia, Pa., on the one hand, and, on the other, points in Atlantic, Burlington, Camden, Gloucester, Mercer, Middlesex, and Ocean Counties, N.J., and New Castle County, Del. NOTE: The purpose of this republication is to add "Atlantic and Ocean Counties" to the territorial description. If a hearing is deemed necessary, applicant requests it be held at New York or Albany, N.Y.

No. MC 129714, filed February 19, 1968. Applicant: B. J. WRIGHT, doing business as WRIGHT & SONS TRUCK SERVICE, 4654 Mallory Road, Memphis, Tenn. 38117. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and cardboard and cardboard products*, from the plantsite of Dee Paper Co., Inc., in Chester, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Mis-

souri, New Jersey, New York, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 129720, filed February 19, 1968. Applicant: RUTTMAN, INCORPORATED, Nelson, Nebr. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Steel buildings and component parts thereof*, from the plantsite of the Stran Steel Co. of Houston, Tex., and Terre Haute, Ind., to points in Nebraska and Kansas, under continuing contract with Wilkins Steel Building Co., Inc., of Geneva, Nebr., (2) *automatic feed and handling equipment*, from Eureka, Ill., to points in Nebraska, (3) *forage wagons, choppers, and blowers*, from Appleton, Wis., to points in Nebraska, and (4) *glass-lined silos* (Harvestore liquid manure storage and handling pits) and *automatic feed and handling equipment*, from Kankakee, Ill., to points in Nebraska, under contracts with Geneva Concrete Co., Inc., of Geneva, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr., or Kansas City or St. Louis, Mo.

No. MC 129721, filed February 16, 1968. Applicant: FRED J. NILGES, Post Office Box 291, Emporia, Kans. 66801. Applicant's representative: John L. Richeson, First National Bank Building, Ottawa, Kans. 66067. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Liquors, malt, ale, beer, beer tonic, porter, stout, or nonintoxicating cereal beverage*, in glass bottle carriers with tops securely fastened, in glass or metal cans, in barrels or boxes, in metal dispensing containers less than 5 gallons capacity in boxes enclosed in crates or in bulk in barrels, also in open top carriers, in metal cans in fiber boxes not sealed, bottled carrier containers; *yeast*, compressed or not compressed, other than dry or liquid, in boxes, or in packages; *molasses or syrup* not medicated, in containers, in barrels or boxes, in kits, or in bulk, in barrels and *starch, liquid*, in barrels or boxes, (1) from St. Louis, Mo., to Osage City, Kans., (2) from St. Paul, Minn., to Osage City, Kans., and (3) from St. Louis, Mo., to Wichita, Kans., and *empty barrels, bottles, kegs, fiberboard cartons and other materials necessary, for the transportation of the above commodities*, on return, in Nos. (1) through (3) above, under contract with Schwan Distributing Co., Inc., and Mussatto Brothers, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Topeka or Wichita, Kans., or Kansas City, Mo.

No. MC 129724, filed February 23, 1968. Applicant: DONALD BUSHKE, doing business as DON BUSHKE, Depot Street, Fox Lake, Wis. 53933. Authority sought to operate as a contract carrier, by motor vehicle, over irregular

routes, transporting: (1) *Farm machinery and implements*, and (2) *agricultural commodities*, in mixed shipments, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles at the same time with (1) above, between points in Wisconsin, Illinois, Indiana, and Michigan, under contract with Green Bay Food Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Green Bay, or Madison, Wis.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 29623 (Sub-No. 30), filed February 19, 1968. Applicant: SOUTHEASTERN STAGES, INC., 226 Alexander Street NW., Atlanta, Ga. 30313. Applicant's representative: R. M. Medlock (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, newspapers, and package express*, between Millen and Sylvania, Ga., over Georgia Highway 21, a distance of 19 miles with authority to serve all intermediate points if any. NOTE: Applicant holds broker authority in Docket No. MC 12135. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 29890 (Sub-No. 33) (Correction), filed February 2, 1968, published in the FEDERAL REGISTER issue of February 21, 1968, corrected and republished as corrected this issue. Applicant: ROCKLAND COACHES, INC., 126 North Washington Avenue, Bergenfield, N.J. 07621. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in same vehicles with passengers, (1) between Paramus, N.J., and Fort Lee, N.J.; from junction Garden State Parkway and New Jersey Highway 17 in Paramus, over Garden State Parkway to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 95, thence over Interstate Highway 95 to Fort Lee, and return over the same route, serving no intermediate points except for joinder as hereinafter specified. Applicant proposes to join the foregoing route with its present route at junction New Jersey Highway 17 in Paramus and at the intermediate point at junction New Jersey Highway 17 in Hackensack, both nonservice points on its present route, and requests permission to serve said two points for purposes of joinder only, and to join said route with its present routes at Fort Lee, a service point on its present routes; (2) between Hackensack, N.J., and Little Ferry, N.J.; from junction Interstate Highway 80, and access road to Vreeland Avenue in Hackensack, over access road and Vreeland Avenue to Hudson Street, thence over Hudson Street and Bergen Turnpike to junction U.S. Highway 46 in Little Ferry; and return over Bergen Turnpike and Hudson Street to Kennedy Street, thence over Kennedy Street to

access road to Interstate Highway 80, thence over access road to Interstate Highway 80, serving no intermediate points. Applicant proposes to join the foregoing route (2) at junction Interstate Highway 80, a point on route (1) above, and at junction U.S. Highway 46 in Little Ferry, a nonservice point on its present route, and requests permission to serve said two points for purpose of joinder only.

(3) Between Teaneck, N.J., and Ridgefield Park, N.J.; from junction Interstate Highways 80 and 95 in Teaneck, over Interstate Highway 95 to junction U.S. Highway 46 and Interstate Highway 95 (New Jersey Turnpike) in Ridgefield Park; and return over the same route, serving no intermediate points. Applicant proposes to join the foregoing route (3) at junction Interstate Highways 80 and 95 in Teaneck, a point on route (1) above, and at junction U.S. Highway 46 and Interstate Highway 95 (New Jersey Turnpike) in Ridgefield Park, a nonservice point on its present route, and requests permission to serve said two points for purposes of joinder only; and, (4) between Englewood, N.J., and Leonia, N.J.; from junction Grand Avenue and Sheffield Avenue in Englewood, over Sheffield Avenue to Broad Avenue, thence over Broad Avenue to access road to Interstate Highway 95, thence over access road to junction Interstate Highway 95, at the Englewood-Leonia boundary line; and return over the same route, serving no intermediate points. Applicant proposes to join the foregoing route at junction Grand Avenue in Englewood, a service point on its present route, and at junction Interstate Highway 95 at the Leonia-Englewood boundary line, a point on route (1) above, and requests permission to serve said latter point for purposes of joinder only. **NOTE:** The purpose of this republication is to correct the territorial description in (3) above, which was published erroneously in the previous issue. Applicant proposes to use the foregoing routes as alternate routes for operating convenience only in conjunction with its presently authorized routes between Rockland County, N.Y., Bergen County, N.J., and New York, N.Y. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 58719 (Sub-No. 9), filed January 22, 1968. Applicant: INGRAM BUS LINES, INC., 313 Jordan Avenue, Tallahassee, Ala. 36078. Applicant's representative: J. Douglas Harris, 410-412 Bell Building, Montgomery, Ala. 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes. (I) Regular routes: *Passengers, their baggage and small packages, express, mail, and newspapers:* 1. Between Montgomery, Ala., and Columbus, Ga., from Montgomery in a northeasterly direction over U.S. Highway 231 to Wetumpka; thence in an easterly direction over Alabama Highways 14 and 15 to Opelika through Claud, Good Hope, Burlington, Tallassee, East Tallassee, Carrville, Notasulga, Loacha-

poka, and Auburn; thence in a southeasterly direction over U.S. Highways 280 and 431 through Bleecker, to Columbus, Ga. (a) From Claud, in a northerly direction over Alabama Highway 63 to Eclectic, Ala.; thence in an easterly direction over an unnumbered county road to Kent, Ala.; thence in a southeasterly direction over Alabama Highway 229 to Burlington (on Alabama State Highway No. 14) and return over the same route, serving all intermediate points (b) over Federal Highway No. 85 between Montgomery and Lanett, Ala., and return over the same route. 2. Between Eclectic, and Alexander City, Ala.; over Alabama Highway No. 63. 3. Between Eclectic, and Wetumpka, Ala., commencing at a point approximately 1 mile north of Eclectic on Alabama Highway 63; thence in a westerly direction over an unnumbered county road to junction Alabama Highway No. 14, approximately 2 miles northeast of Wetumpka, Ala., through Rushingville; thence over Alabama Highway No. 14, to Wetumpka, and return over the same route.

4. From Tallassee in a westerly direction over county paved road to Hall's Store; through Friendship, Ala., thence in a westerly direction over paved county road to U.S. Highway No. 231; at Red Land Store, and return over the same route. 5. From Dorsey's Farm to junction of Alabama Highway No. 37; north over Alabama Highway 169 from junction Moore's Mill Road at Dorsey's Farm to junction of Alabama Highway No. 37. 6. Between Opelika, and Anniston, Ala., (1) from Opelika over U.S. Highway 431 (formerly Alabama Highway 37) to junction Alabama Highway 9, thence over Alabama Highway 9 to Heflin, Ala., and thence over U.S. Highway 78 to Anniston, and return over the same route, serving all intermediate points, (2) from Opelika over U.S. Highway 431 (formerly Alabama Highway 37) to junction U.S. Highway 78, thence over U.S. Highway 78 to Anniston, and return over the same route, serving all intermediate points, (a) over Federal Highway 20 between Anniston and Heflin, and return over the same route, serving all intermediate points, (7) between Roanoke, Ala., and La Grange, Ga., from Roanoke over unnumbered highway through Standing Rock, to La Grange, serving the points of (1) Rock Mills, Ala., over Alabama Highway 22 from Roanoke, Ala., and return; and (2) Glenn, Ga., over Georgia Highway 109 from unnumbered highway northwest of La Grange, Ga., and return over the same route, serving all intermediate points.

8. Between Lafayette, Ala., and Columbus, Ga., from Lafayette over Alabama Highway 50 to Lanett, Ala., thence over U.S. Highway 29 to Fairfax, Ala., thence over unnumbered highway to junction U.S. Highway 280 (formerly U.S. Highway 241), thence over U.S. Highway 280 to Columbus, and return over the same route, serving all intermediate points between Lafayette and junction unnumbered highway and U.S. Highway 280 (formerly U.S. Highway 241). 9. Between Wedowee, Ala., and

Bowden, Ga., from Wedowee over Alabama Highway 48 (formerly unnumbered highway) through Woodland and Graham, Ala., to junction Alabama Highway 46, thence over Alabama Highway 46 to the Alabama-Georgia State line, thence over Georgia Highway 166 (formerly Georgia Highway 8A), to Bowden, and return over the same route, serving all intermediate points: 10. Between Opelika, Ala., and Columbus, Ga., commencing at Opelika, thence over Alabama Highway 37 to Marvyn, thence over U.S. Highway 80 to Columbus, Ga., and return over the same routes. 11. Between Wedowee, and Lineville, Ala., over Alabama Highway 48. 12. Between Auburn and Opelika, Ala., through Opelika Mill Village and Pepperell Mill Village, over U.S. Highway No. 29 and county roads and/or village streets; serving all intermediate points and the Auburn-Opelika Airport over county road. 13. Between Columbus, Ga., and Auburn, Ala., from Columbus over U.S. Highway 80 to junction unnumbered county highway known as Old Auburn Highway, at or near Phenix City, Ala., thence over said unnumbered county road to junction Alabama Highway 169, thence over Alabama Highway 169 to junction unnumbered highway known as Moore's Mill Road, thence over said unnumbered county road through Bush, Heaths, Duke, and Madden, Ala., to Auburn, and return over the same route, serving all intermediate points.

(II) Over irregular routes: Special and charter operations, beginning and ending at points on the above-described routes and extending to points in the United States. **NOTE:** Applicant states the purpose of the instant application is to clarify and reissue the authority now held under MC 58719 Sub 1. The only additional territory involved is the 16 miles between Wedowee and Lineville over Alabama Highway 48. Applicant also requests all restrictions be removed between Marvyn, Ala., and Columbus, Ga., which restricts traffic originating at Opelika destined to Columbus, or originating at Columbus destined to Opelika, the restriction for traffic originating at or destined to Montgomery and Alexander City, service to Opelika restricted against traffic originating at or destined to Auburn, Ala., or Montgomery, restriction against traffic originating at or destined to Opelika moving between Auburn and Opelika. If a hearing is deemed necessary, applicant requests it be held at Montgomery or Birmingham, Ala.

No. MC 74761 (Sub-No. 12), filed December 26, 1967. Applicant: TAMiami TRAIL TOURS, INC., 455 East 10th Avenue, Hialeah, Fla. 33011. Applicant's representative: James E. Wharton, 506 First National Bank Building, Post Office Box 231, Orlando, Fla. 32802. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, baggage, newspapers, and express* in the same vehicles with passengers; (1) between Fort Lauderdale and Daytona Beach, Fla., over U.S. Highway 1, serving all intermediate points, (1a) between Fort Lauderdale and West Palm Beach, Fla., from

Fort Lauderdale over Florida Highway 811 to Deerfield Beach, Fla., thence over Florida Highway 810 and U.S. Highway 1 to Boca Raton, Fla., thence over unnumbered highway via Florida Atlantic University to intersection Florida Highway 809 (Military Trail), thence over Florida Highway 809 to intersection U.S. Highway 98, thence over U.S. Highway 98 to West Palm Beach, and return over the same route serving all intermediate points; (2) between Melbourne and Cocoa, Fla., from Melbourne over unnumbered State road to Indialantic, Fla., thence over Florida Highway A1A to intersection Florida Highway 520, thence over Florida Highway 520 to Cocoa, and return over the same route, serving all intermediate points, and serving all points on the John F. Kennedy Space Center as off-route points.

(3) Between Titusville and Orlando, Fla., over Florida Highway 50 serving all intermediate points; (4) between Coca and junction Florida Highways 50 and 520, over Florida Highway 520, as an alternate route for operating convenience only, serving no intermediate points; (5) between intersection U.S. Highway 441 and Florida Highway 528 (south of Orlando, Fla.), and intersection of Florida Highway 528 and U.S. Highway 1 (north of Coca, Fla.), over Florida Highway 528 (also known as the Bee Line Expressway), serving all intermediate points; (6) between Bartow and Orlando, Fla., from Bartow over U.S. Highway 17 to Kissimmee, Fla., thence over Florida Highway 527 to Orlando, and return over the same route serving all intermediate points; (7) between Ashton and Orlando, Fla., from intersection Florida Highway 15 and U.S. Highway 441 near Ashton, over U.S. Highway 441 to Orlando, and return over the same route, serving all intermediate points; (8) between Tampa and Orlando, Fla., over Interstate Highway 4, serving all intermediate points, including the intermediate point of Lakeland, Fla.; (9) between Bartow and Haines City, Fla., from Bartow over U.S. Highway 17 to intersection Florida Highway 540, thence over Florida Highway 540 to intersection U.S. Highway 27, thence over U.S. Highway 27 and Alternate U.S. Highway 27 to Haines City, and return over the same route, serving all intermediate points; (10) between Deland and Bunnell, Fla., from Deland over U.S. Highway 92 to intersection U.S. Highway 1 at Daytona Beach, Fla., thence over U.S. Highway 1 to Bunnell, and return over the same route, serving all intermediate points.

(11) Between Bunnell and Gainesville, Fla., from Bunnell over Florida Highway 100 to Palatka, Fla., thence over Florida Highway 20 to Gainesville, and return over the same route, serving all intermediate points; (12) between Gainesville and Fannin Springs, Fla., from Gainesville over Florida Highway 26 to intersection U.S. Highways 19 and 98, near Fannin Springs, and return over the same route, serving all intermediate points; (13) between Orlando and Williston, Fla., from Orlando over Florida

Highway 50 to Mascotte, Fla., thence over Florida Highway 33 to Leesburg, Fla., thence over Florida Highway 44 to Wildwood, Fla., thence over U.S. Highway 301 to Ocala, Fla., thence over U.S. Highway 27 to Williston, and return over the same route, serving all intermediate points; (14) between Miami and Lake City, Fla., from Miami over the Sunshine State Parkway to intersection Interstate Highway 75 near Wildwood, Fla., thence over Interstate Highway 75 to intersection Florida Highway 47, thence over Florida Highway 47 to Lake City, and return over the same route, serving all intermediate points, and over all roads of ingress and egress to adjacent cities on applicant's service routes; (15) between Tampa and Lake City, Fla., from Tampa over Interstate Highway 75 to intersection Florida Highway 47, thence over Florida Highway 47 to Lake City, and return over the same route, serving all intermediate points, and over all roads of ingress and egress connecting the intermediate cities of Gainesville, Fla., Ocala, Fla., and Wildwood, Fla.; (16) between Kissimmee and Winter Garden, Fla., from Kissimmee over Florida Highway 530 to intersection Florida Highway 545, thence over Florida Highway 545 to Winter Garden, and return over the same route, serving all intermediate points.

(17) Between Dunellon and Ocala, Fla., from Dunellon over U.S. Highway 41 to intersection Florida Highway 40, thence over Florida Highway 40 to Ocala, and return over the same route, serving all intermediate points; (18) between Jacksonville and Tallahassee, Fla., over U.S. Highway 90, serving all intermediate points; (19) between Jacksonville and Tallahassee, from Jacksonville over Interstate Highway 10 to intersection U.S. Highway 319, thence over U.S. Highway 319 to Tallahassee, and return over the same route, serving all intermediate points; (20) between Jacksonville and Fort Lauderdale, Fla., over Interstate Highway 95, serving all intermediate points, including all roads of ingress and egress to serve the intermediate points of Daytona Beach, Titusville, Cocoa, Melbourne, Fort Pierce, West Palm Beach, Fla., and return over the same routes, serving all intermediate points; (21) between Orlando and Daytona Beach, Fla., from Orlando over Interstate Highway 4 to intersection Interstate Highways 95, thence over Interstate Highway 95 to intersection U.S. Highway 92, thence over U.S. Highway 92 to Daytona Beach, Fla., and return over the same route, serving all intermediate points; and (22) between Andytown and Naples, Fla., from Andytown at the junction U.S. Highway 27 and Florida Highway 838, over Florida Highway 838 to intersection Florida Highway 858, thence over Florida Highway 858 to intersection Florida Highway 951, thence over Florida Highway 951 to intersection U.S. Highway 41 at Naples, Fla., and return over the same routes, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it

be held at Fort Meyers, Gainesville, and Fort Lauderdale, Fla.

No. MC 128753 (Sub-No. 6) filed February 21, 1968. Applicant: ASSOCIATED BUS COMPANY OF OAKLAND, a corporation, 921 Bergen Avenue, Jersey City, N.J. 07306. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, between the Bronx, N.Y., and Maywood, N.J., under contract with Metaframe Corp., Maywood, N.J. NOTE: (1) Applicant also holds passenger common carrier authority under MC 94624. (2) Common control may be involved. (3) If a hearing is deemed necessary, applicant requests it be held at Newark, N.J. or New York, N.Y.

#### APPLICATION FOR BROKERAGE LICENSE

No. MC 130051, filed February 13, 1968. Applicant: ELLIOTT'S TRIPS & TOURS, INC., 2006 Newport Gap Pike, Wilmington, Del. For a license (BMC 5) to engage in operations as a *broker* at New Castle, Del., in arranging for the transportation in interstate or foreign commerce, of *passengers and their baggage*, both as individuals and in groups, in special and charter operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in New Castle County, Del., and extending to points in the United States including Alaska, Hawaii, and the District of Columbia.

No. MC 130052, filed February 14, 1968. Applicant: SANDERS WORLD TRAVEL, INC., 939 Shoreham Building, 15th and H Streets NW., Washington, D.C. 20005. Applicant's representative: Gouverneur E. Smith, 1538 Mount Eagle Place, Alexandria, Va. 22302. For a license (BMC 5) to engage in operations as a *broker* at Washington, D.C., in arranging for the transportation in interstate or foreign commerce, of *passengers and their baggage*, both as individuals and in groups, in charter operations, in pleasure tours, between points in the United States including Alaska and Hawaii.

#### APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 129498 (Sub-No. 2), filed February 23, 1968. Applicant: BERNIE'S EXPRESS, INC., 404 West 15 Street, New York, N.Y. Applicant's representative: William J. Hanlon, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose in hampers and on hangers, and *materials and supplies* used in the manufacture thereof, between Bridgeport, Conn., on the one hand, and, on the other, New York and Pelham Manor, N.Y., under contract with Exquisite Form Industries, Inc.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 68-2764; Filed, Mar. 6, 1968; 8:45 a.m.]

[Notice 561]

**MOTOR CARRIER TEMPORARY  
AUTHORITY APPLICATIONS**

MARCH 4, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

**MOTOR CARRIERS OF PROPERTY**

No. MC 107496 (Sub-No. 636 TA), filed February 27, 1968. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua, Post Office Box 855, 50304, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer compounds*, dry in containers, *insecticides* in containers, *herbicides* (weed killing compounds) in containers, and *appliances therefor* in straight and mixed shipments, from Donnellson, Fort Madison and Burlington, Iowa, to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Minnesota, Wisconsin, Illinois, Kentucky, Indiana, Michigan, and Ohio, for 150 days. Supporting shipper: Chevron Chemical Co., Ortho Division, Post Office Box 282 Ortho Way, Fort Madison, Iowa 52627. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 109689 (Sub-No. 193 TA), filed February 28, 1968. Applicant: W. S. HATCH CO., 643 South 800 West Street, Post Office Box 1825, Salt Lake City, Utah 84110, Woods Cross, Utah 84087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow*, in bulk, from Hyrum, Utah, to points in California, for 180 days. Supporting shipper: Valley Rendering Corp., 119 East Third North Street, Hyrum, Utah 84319. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 112617 (Sub-No. 247 TA), filed February 28, 1968. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5136, Cherokee Station, Louisville, Ky. 40205. Applicant's representative: K. G. Helfrich (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyvinyl chloride*, in bulk, from the site of Bulk Terminals, Inc., near Louisville, Ky., to Cloday Corp. at or near Augusta, Ky., for 150 days. Supporting shipper: Raymond T. Delicati, Traffic Manager, Diamond Alkali Co., Union Commerce Building, Cleveland, Ohio 44115. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 114273 (Sub-No. 28 TA), filed February 28, 1968. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue, SW., Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue, NW., Cedar Rapids, Iowa 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from the plantsite of Jones & Laughlin Steel Corp., at or near Hennepin, Putnam County, Ill., to points in Iowa, for 180 days. Supporting shipper: Jones & Laughlin Steel Corp., 3 Gateway Center, Pittsburgh, Pa. 15230. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 114273 (Sub-No. 29 TA), filed February 28, 1968. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NW., Cedar Rapids, Iowa 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Chicago, Ill., to the plantsite of Fruehauf Corp. located in Lee County, Iowa, for 180 days. Supporting shipper: Fruehauf Corp., 10900 Harper Avenue, Detroit, Mich. 48232. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 114533 (Sub-No. 157 TA), filed February 28, 1968. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Wichita, Kans., on the one hand, and, on the other, Sedalia, Mo., and between Shawnee Mission, Kans., on the one hand, and, on the other, points in Missouri, for 150 days. Supporting shippers: (1) United Telephone Co., 2330 Johnson Drive, Shawnee

Mission, Kans. 66205; (2) The National Trailer Rental System, Inc., 2503 West Broadway, Sedalia, Mo. 65301. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 119934 (Sub-No. 149 TA), filed February 27, 1968. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, in tank, and in hopper-type vehicles, from Utica, Ill., to points in Alabama, Arkansas, Colorado, Illinois, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee (except points in Tennessee on and east of U.S. Highway 27), Texas, West Virginia, Wisconsin, and Wyoming, for 180 days. Supporting shipper: Philadelphia Quartz Co., Public Ledger Building, Independence Square, Philadelphia, Pa. 19106. Send protests to: District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 124813 (Sub-No. 52 TA), filed February 29, 1968. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from Rock Island, Ill., to points in Iowa, Minnesota, and Wisconsin, and *feed ingredients*, other than liquids, from Rock Island, Ill., to points in Iowa, Ohio, and Michigan, for 180 days. Supporting shipper: The Borden Chemical Co., Smith-Douglass Division, Post Office Box 419, Norfolk, Va. 23501. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 128007 (Sub-No. 16 TA), filed February 29, 1968. Applicant: HOFER, INC., 4032 Parkview Drive, Post Office Box 583, Pittsburg, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from the plantsites of International Mineral & Chemical Co., located at or near Fort Worth, Tex., and Texarkana, Ark., to points in Kansas and Missouri, for 180 days. Supporting shipper: International Mineral & Chemical Co., 3112 College, Topeka, Kans. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 906 Schweiter Building, Wichita, Kans. 67202.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.[F.R. Doc. 68-2822; Filed, Mar. 6, 1968;  
8:48 a.m.]

[Notice 101]

**MOTOR CARRIER TRANSFER  
PROCEEDINGS**

MARCH 4, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70129. By order of February 28, 1968, the Transfer Board approved the transfer to Acme Towing Service, Inc., Detroit, Mich., of certificates in Nos. MC-100129 (Sub-No. 2), MC-100129 (Sub-No. 3), and MC-100129 (Sub-No. 4), issued July 1, 1955, September 21, 1961, and March 25, 1966, respectively, to Nora Robertson, doing business as Acme Towing Service, Detroit, Mich., authorizing the transportation of wrecked, repossessed, or disabled vehicles and replacements thereof, between points as

specified in Michigan, Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin. William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021, attorney for applicants.

No. MC-FC-70262. By order of February 28, 1968, the Transfer Board approved the transfer to Walker's Moving and Storage, Inc., Ridgefield, Conn., of the operating rights in certificate No. MC-62245 issued April 6, 1949 to Walter J. Walker, doing business as Walker Trucking Co., Ridgefield, Conn., authorizing the transportation of new furniture, household goods, antiques, and summer cottage equipment, between points in New York, Connecticut, New Jersey, Massachusetts, Pennsylvania, Maryland, and the District of Columbia. John E. Fay, 79 Lafayette Street, Hartford, Conn. 06106, attorney for applicants.

No. MC-FC-70274. By order of February 28, 1968, the Transfer Board approved the transfer to Magdalen M. Tramp and Vincent J. Tramp, a partnership, doing business as B. A. Tramp Oil Co., Yankton, S. Dak., of the operating rights in certificate No. MC-83252, issued December 2, 1952, to Adolph J. Kotalik, Yankton, S. Dak., authorizing the transportation, over irregular routes, of livestock, grain, seed, and emigrant movables, between Nora Springs, Iowa, and points in described portions of Iowa and

Nebraska, on the one hand, and, on the other, Yankton, S. Dak., and points within 10 miles of Yankton, feed and farm machinery from Sioux City, Iowa, to Yankton, S. Dak., and points within 10 miles of Yankton, and egg cases, knocked down egg-case fillers and egg-case flats, and chicken coops, knocked down, from Yankton, S. Dak., to points in Iowa, Minnesota, Nebraska, and South Dakota, within 200 miles of Yankton, S. Dak. Richard D. Hagerty, Suite 4, Law Building, Yankton, S. Dak. 57078, attorney for applicants.

No. MC-FC-70280. By order of February 29, 1968, the Transfer Board approved the transfer to A. Adams Trucking, Inc., doing business as A. Adams Trucking Co., New Bedford, Mass., of the certificate of registration in No. MC-97886 (Sub-No. 1) issued December 30, 1963, to C. G. Bowman, Inc., New Bedford, Mass., evidencing a right to engage in transportation in interstate or foreign commerce within the scope authorized in certificate No. 2553 issued by the Department of Public Utilities of the Commonwealth of Massachusetts. Francis B. Morse, Jr., 103 Caroline Street, New Bedford, Mass. 02740 representative for applicants.

[SEAL]

H. NEIL GARSON,  
Secretary.[F.R. Doc. 68-2823; Filed, Mar. 6, 1968;  
8:48 a.m.]

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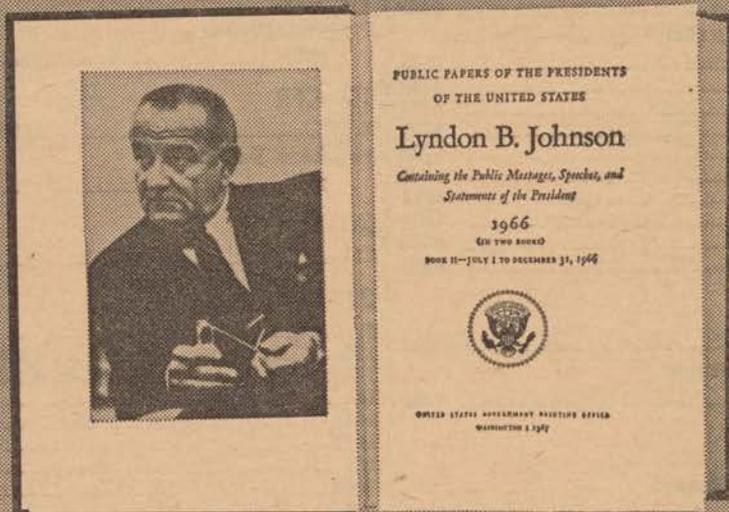


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